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Illinois Register



Rules of Governmental Agencies

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April	18, 1997 - Issue 16: Through	March	31, 1997
July	18, 1997 - Issue 29: Through	June	30, 1997
October	17, 1997 - Issue 42: Through	September	30, 1997
January	16, 1998 - Issue 1: Through	December	31, 1997 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1997

Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:	Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:
Dec. 24, 1996	Dec. 31, 1996	1	Jan. 3, 1997	July 1, 1997	July 8, 1997	28	July 11, 1997
Dec. 31, 1996	Jan. 7, 1997	2	Jan. 10, 1997	July 8, 1997	July 15, 1997	29	July 18, 1997
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Jan. 14, 1997	Jan. 21, 1997	4	Jan. 24, 1997	July 22, 1997	July 29, 1997	31	Aug. 1, 1997
Jan. 21, 1997	Jan. 28, 1997	5	Jan. 31, 1997	July 29, 1997	Aug. 5, 1997	32	Aug. 8, 1997
Jan. 28, 1997	Feb. 4, 1997	6	Feb. 7, 1997	Aug. 5, 1997	Aug. 12, 1997	33	Aug. 15, 1997
Feb. 4, 1997	Feb. 11, 1997	7	Feb. 14, 1997	Aug. 12, 1997	Aug. 19, 1997	34	Aug. 22, 1997
Feb. 11, 1997	Feb. 18, 1997	8	Feb. 21, 1997	Aug. 19, 1997	Aug. 26, 1997	35	Aug. 29, 1997
Feb. 18, 1997	Feb. 25, 1997	9	Feb. 28, 1997	Aug. 26, 1997	Sept. 2, 1997	36	Sept. 5, 1997
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Mar. 4, 1997	Mar. 11, 1997	11	Mar. 14, 1997	Sept. 9, 1997	Sept. 16, 1997	38	Sept. 19, 1997
Mar. 11, 1997	Mar. 18, 1997	12	Mar. 21, 1997	Sept. 16, 1997	Sept. 23, 1997	39	Sept. 26, 1997
Mar. 18, 1997	Mar. 25, 1997	13	Mar. 28, 1997	Sept. 23, 1997	Sept. 30, 1997	40	Oct. 3, 1997
Mar. 25, 1997	Apr. 1, 1997	14	Apr. 4, 1997	Sept. 30, 1997	Oct. 7, 1997	41	Oct. 10, 1997
Apr. 1, 1997	Apr. 8, 1997	15	Apr. 11, 1997	Oct. 7, 1997	Oct. 14, 1997	42	Oct. 17, 1997
Apr. 8, 1997	Apr. 15, 1997	16	Apr. 18, 1997	Oct. 14, 1997	Oct. 21, 1997	43	Oct. 24, 1997
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May 6, 1997	May 13, 1997	20	May 16, 1997	Nov. 10, 1997*	Nov. 18, 1997	47	Nov. 21, 1997
May 13, 1997	May 20, 1997	21	May 23, 1997	Nov. 18, 1997	Nov. 25, 1997	48	Dec. 1, 1997*
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June 17, 1997	June 24, 1997	26	June 27, 1997	Dec. 23, 1997	Dec. 30, 1997	1	Jan. 2, 1998
June 24, 1997	July 01, 1997	27	July 7, 1997*	Dec. 30, 1997	Jan. 6, 1998	2	Jan. 9, 1998

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

* Monday

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Department Advisory Councils, Illinois Juvenile Justice Commission and Other Statewide and Regional Committees

- 2) Code Citation: 89 Ill. Adm. Code 428

- 3) Section Numbers: Proposed Action:

428.20	Amend
428.30	Amend
428.35	New
428.40	Repeal
428.60	Amend
428.65	New
428.70	Repeal
428.75	New
428.90	Repeal
428.95	New
428.100	Amend
428.110	Amend
428.120	Amend
428.130	Amend
428.140	Amend
428.150	Amend
428.160	Amend
428.175	New
428.180	Amend
428.190	Amend

- 4) Statutory Authority: Implementing and authorized by Sections 5, 5.1 and 7.1 of the Children and Family Services Act [20 ILCS 505/5, 5.1, and 7.1]; Section 11.7 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11.7] and 11.1 through 12 of the Illinois Purchasing Act [30 ILCS 505/11.1 through 12]; Section 6.15 and 8 of the Civil Administrative Code of Illinois [20 ILCS 5/6.15 and 8].

- 5) A Complete Description of the Subjects and Issues Involved: The Department is amending this Part to update the listing of bodies which provide advice to the Department regarding various programs and services. The revisions include repeal of provisions related to the Illinois Juvenile Justice Commission and regional youth planning committees as these functions will be transferred to the Department of Human Services. Amendments are also proposed to further ensure that persons who serve on Department advisory bodies do not have conflicts of interest which might affect the advice and counsel they provide the Department.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498

Telephone: (217)524-1983
TTY: (217)524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This rulemaking does not affect small businesses.

B) Reporting, bookkeeping or other procedures required for compliance: Not applicable.

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on a Regulatory Agenda. Due to the press of other matters, the Department did not publish regulatory agendas for the last two periods.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER f: GENERAL ADMINISTRATION

PART 428

DEPARTMENT ADVISORY GROUPS ~~000000157~~
~~ILLINOIS JUVENILE JUSTICE COMMISSION AND~~
~~OTHER STATEWIDE AND REGIONAL COMMITTEES~~

Section	Purpose
428.10	Definitions
428.20	Children and Family Services Advisory Council
428.30	One Church, One Child Advisory Board
428.35	State Advisory Committee on Day Care (Repealed)
428.40	Child Welfare Advisory Committee
428.50	Statewide Citizens Committee on Child Abuse and Neglect
428.60	Statewide Foster Care Advisory Council
428.65	Illinois Juvenile Justice Commission (Repealed)
428.70	African-American Family Commission
428.75	Regional Advisory Committees
428.80	Regional Youth Planning Committees (Repealed)
428.90	Other Advisory Groups
428.95	Liaisons to the Department's Advisory Council
428.100	Rules of Procedure
428.110	Organization Committees and Sub-committees
428.120	Regular and Special Meetings
428.130	Notice of Meetings and Agendas
428.140	Compliance with the Opening Meetings Act
428.150	Quorum
428.160	Compensation
428.170	Conflict of Interest
428.175	Minutes
428.180	Staffing
428.190	

AUTHORITY: Implementing and authorized by Sections 5, 17a-1 and 17a-9 of the Children and Family Services Act [20 ILCS 505/5, 17a-1, 17a-9]; Section 11.7 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11.7]; Sections 11.1 through 12 of the Illinois Purchasing Act [30 ILCS 505/11.1 through 12]; and Sections 6.15 and 8 of the Civil Administrative Code of Illinois [20 ILCS 5/6.15 and 8].

SOURCE: Adopted and codified at 5 Ill. Reg. 7789, effective August 3, 1981; amended at 7 Ill. Reg. 10578, effective September 1, 1983; recodified at 17 Ill. Reg. 21894; amended at 19 Ill. Reg. 1043, effective January 20, 1995; amended at 21 Ill. Reg. _____, effective _____.

Section 428.20 Definitions

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

"Advisory group", as used in this Part, means a council, commission, committee or task force created by statute, executive order, or administrative action of the Director of the Department that, among its functions, provides advice and counsel to the Department regarding its programs and services or monitors Department operations. Such advisory groups may be composed entirely or partially of persons other than Department personnel. "Advisory Committees" means the Statewide Citizens Committee on Child Abuse and Neglect established by Section 11.7 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11.7]; the State Advisory Committee on Day Care and Regional Advisory Committees which provide advice and counsel to the Director of the Department on a regional or special program basis.

"Commission" means the Illinois Juvenile Justice Commission established by Section 17a-9 of the Children and Family Services Act [20 ILCS 505/17a-9] to execute those powers and duties mandated in that Section of the Act.

"Committees" means both advisory committees and regional youth planning committees as defined above, unless otherwise specified in this Part.

"Council" means the Children and Family Services Advisory Council established by Section 6.15 of the Civil Administrative Code of Illinois [20 ILCS 5/6.15] to execute those powers and duties mandated in Section 9 of that Code [20 ILCS 5/9].

"Conflict of interest", as used in this Part, means an individual uses his or her official position for private gain (other than salary), gives preferential treatment to any entity or person in the conduct of official duties because of personal interest, impedes or adversely affects governmental efficiency or economy because of personal interest, fails to act impartially in the conduct of official duties because of personal interest, or engages in conduct that could adversely affect the confidence of the public in the integrity of the Department of Children and Family Services. The term also means that the circumstances are such that a reasonable person might conclude that an individual's judgement could be influenced by the nature of the circumstances or the individual(s) involved. Conflicts of interest may be actual or potential.

"Direct financial interest" means any type of monetary gain from a Department-funded program, such as that acquired by salaried staff of Department-funded agencies, or Department staff. Staff members of programs supported by funds from other than the Department located within agencies providing a Department-funded service are not eligible for regional youth planning committee membership if their working responsibilities are related to management or funding or

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

politeymaking:

"Geographic regions" means those groupings of counties designated by the Director for administration of Department programs.

"Regional--Youth-Planning-Committees"--means--the--committees--established by--Section--17a--1--of--the--Children--and--Family--Services--Act--420--BES 505/17a-1)--to--execute--those--powers--and--duties--mandated--in--that--Section of--the--Act.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 428.30 Children and Family Services Advisory Council

a) In accordance with Section 6.15 of the Civil Administrative Code of Illinois [20 ILCS 5/6.15], there ~~there~~ shall be a Children and Family Services Advisory Council to advise the Department with respect to its services and programs for children and adults under its care.

b) There shall be seventeen members, one of whom shall be a senior citizen age 60 or over, appointed by the Governor, each appointed to a four year term. The terms of one-half of the Council shall expire every two years on the third Monday in January in odd numbered years. The Director shall make reasonable efforts to ensure that the membership of the Council is culturally diverse, representative of the population of the State, and geographically representative of the Department's administrative regions. Members shall continue to serve until their successors are appointed and qualified.

c) A chairperson and vice chairperson shall be elected by the Council from among its members for a term of one year beginning July 1 of each year. An officer shall be eligible for re-election to the same office held for no more than two consecutive terms.

d) Notice of meetings and agendas of regular and special meetings shall, in addition to those required in Section 428.130, be sent to the Governor at least seven days prior to a scheduled meeting of the Council.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 428.35 One Church, One Child Advisory Board

a) In accordance with Section 7.1 of the Children and Family Services Act [20 ILCS 505/7.1], there shall be a One Church, One Child Advisory Board to advise the Department in the placement of children by encouraging black churches to help find permanent homes for black children waiting to be adopted.

b) There shall be twenty-five members appointed by the Governor, with at

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

least one member representing each region of the State as determined by the Department.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 428.40 State Advisory Committee on Day Care (Repealed)

a) There--shall--be--a--State--Advisory--Committee--on--Day--Care--to--advise--the Department--on--general--policy--involving--the--provision--of--day--care services--under--the--state--plan;

b) There--shall--be--thirty--members--appointed--by--the--Director--of--the Department--each--serving--for--a--term--of--three--years--The--terms--of one-third--of--the--committee--membership--shall--expire--every--year--on--the 30th--day--of--June--Members--shall--continue--to--serve--until--their successors--are--appointed;

c) A--chairperson--shall--be--appointed--by--the--Director--for--a--term--of--one year--beginning--July--1--of--each--year--An--officer--shall--be--eligible--for re-election--to--the--same--office--held--for--no--more--than--two--consecutive terms;

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 428.60 Statewide Citizens Committee on Child Abuse and Neglect

a) In accordance with Section 11.7 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11.7], there ~~there~~ shall be a Statewide Citizens' Committee on Child Abuse and Neglect to advise the Director on setting priorities for the administration of child abuse prevention, shelters and service programs, and to advise the Director on policies and procedures with respect to the medical neglect of newborns and infants [325 ILCS 5/11.7].

b) There shall be twenty-five members appointed by the Director of the Department, each serving for a term of three years. The terms of one-third of the Committee membership shall expire every year on the 30th days of June. Members shall continue to serve until their successors are appointed. No more than 20% of the membership may have a direct financial interest in any Department funded program.

c) A chairperson and vice chairperson shall be appointed by the Director of the Department from among its members for a term of one year beginning July 1 of each year. An officer shall be eligible for reappointment to the same office held for no more than two consecutive terms.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 428.65 Statewide Foster Care Advisory Council

- a) In accordance with the Statewide Foster Care Advisory Council Law [20 ILCS 525/5-5], there shall be a Statewide Foster Care Advisory Council "to advise the Department with respect to all matters involving or affecting the provision of foster care to abused, neglected, or dependent children and their families."
- b) There shall be 22 members appointed by the Director, each serving for a term of three years. To the extent possible, appointments of members shall be such that the terms of one-third of the members in each category described in subsection (d) below expire every year on June 30th. Further, the Director shall make reasonable efforts to ensure that the membership of the Council is culturally diverse, representative of the population of the State, and geographically representative of the Department's administrative regions.
- c) Membership of the Council shall consist of 2 foster parents each from the Department's southern and northern regions; 3 foster parents from the Department's central region, and 2 foster parents from each of the Department's Cook County regions (including the current President of the Cook County Foster Parent Advisory Committee); 2 foster parents representing the Child Welfare Advisory Committee (with at least one residing in Cook County); 2 foster care professionals representing the Child Welfare Advisory Committee who represent agencies with whom the Department contracts for foster care services; the current president of the Illinois Foster Parent Association and 4 other non-Department persons recognized for expertise regarding foster care who shall be selected and appointed by the Director of the Department. (Section 5-10 of the Statewide Foster Care Advisory Council Law [20 ILCS 525/5-15])
- d) Each member shall be appointed for a term of 3 years. No member shall be appointed to more than 2 terms. Members shall continue to serve until their successors are appointed. This provision notwithstanding, the President of the Illinois Foster Parent Association and the President of the Cook County Foster Parent Association may serve as long as they hold office.
- e) A Chairperson and vice chairperson shall be elected by the Council from among its members for a term of one year at a meeting prior to July 1st of each year with those officers assuming the duties of their offices on the first day of July each year. Any officer of the Council shall be eligible for consecutive election to the office held for no more than 2 consecutive one year terms. Further, the immediate past chairperson shall serve as a consultant to the Council for one year. (Section 5-15 of the Statewide Foster Care Advisory Council Law [20 ILCS 525/5-15])

(Source: Added at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 428.70 Illinois Juvenile Justice Commission (Repealed)

- a) There shall be an Illinois Juvenile Justice Commission to supervise the administration of federal funds under the "Juvenile Justice and Delinquency Prevention Act of 1974," as amended (42 USC 5601 et seq.) and to advise the Department on general policy related to juvenile justice and delinquency prevention services and programs for youth.
- b) There shall be twenty-five members appointed by the Governor, each serving for a term of three years. The terms of one-third of the Commission membership shall expire every year on the 31st day of January. Members shall continue to serve until their successors are appointed.
- c) A chairperson, from among its members, shall be appointed by the Governor and serve as chief officer of the Commission. A vice chairperson, elected by the Commission from among its members, shall fulfill duties as designated by the chairperson.
- d) Notice of meetings and agendas of regular and special meetings shall be in addition to those persons required in Section 428.1407 be sent to the Governor at least seven days prior to a scheduled meeting of the Commission.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 428.75 African-American Family Commission

- a) There shall be an African-American Family Commission to advocate and promote family preservation and community advancement by developing and recommending to the Department culturally specific child welfare policies and practices that will strengthen African-American families and communities.
- b) There shall be thirty members appointed by the Governor, each serving for a term of two years. Members shall be selected on a statewide basis but shall be predominately (85 percent) residents of Cook County. Members shall have a working knowledge of the child welfare system in Illinois, shall be representative of a variety of human service and related disciplines, and shall be representative of a partnership and collaborative effort between child welfare agencies, community based agencies and organizations and leadership from the public/private sector and the community. The Director shall serve as an ex-officio member of the Commission.
- c) The chairperson(s) shall be appointed by the Governor from among the members of the Commission.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 428.90 Regional Youth Planning Committees (Repealed)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- a) There shall be regional youth planning committees within each region as designated by the Director of the Department to advise the Department in regard to regional youth service needs and problems to prepare an annual regional youth services plan and to review and comment upon regional youth service grant applications.
- b) There shall be ten members, except that the Chicago Regional Youth Planning Committee shall have 20 members, appointed by the Director of the Department to each Committee. Each member serves for a term of three years. All members shall have residency within the regional area and shall be broadly representative of the varied geographic interests. Membership shall reflect a broad representation of community interests and perspectives, including local government, law enforcement, education and training, juvenile justice, mental health, human services and youth. (20-1505-505/17a-1) The terms of one-third of each Committee membership shall expire every year on the 30th day of June. Members shall continue to serve until their successors are appointed. No member may have a direct financial interest in any Department-funded program.
- c) A chairperson and vice chairperson shall be appointed by the Director from among its members for a term of one year beginning July 1 of each year. An officer shall be eligible for reappointment to the same office held for no more than two consecutive terms.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 428.95 Other Advisory Groups

In addition to the advisory groups named in this Part, the Director may appoint other advisory groups to advise him or her regarding Department programs and services or to comply with statutes or executive orders. Unless otherwise provided by law, such bodies shall comply with Sections 428.160 (Quorum), 428.170 (Compensation), 428.175 (Conflict of Interest) and 428.180 (Minutes) of this Part. The Director may require compliance with other provisions of this Part in creating such bodies.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 428.100 Liaisons to the Department's Advisory Council

The chairpersons of the Commission and each advisory group designated by the Director committee shall be designated liaisons to the Children and Family Services Advisory Council and shall meet, as a group, with the Council council at least once each year at the call of the chairperson of the Council.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 428.110 Rules of Procedure

Each advisory group, the Council, Commission and each Committee, except the regional youth planning committees, shall operate under the Rules of Procedure approved by a majority of its their membership. The regional youth planning committees shall operate under Rules of Procedure developed by the Division of Youth and Community Services and approved by the Director of the Department.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 428.120 Organization Committees and Sub-committees

Each advisory group, the Council, Commission and each Committee shall organize itself into committees and/or sub-committees for the purpose of carrying out the goals, objectives and strategies determined by the membership. Inter-committee joint task forces may be formed to carry out specific tasks so assigned by the Director or so agreed upon by the respective memberships.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 428.130 Regular and Special Meetings

Regular meetings of each advisory group, the Council, Commission and each Committee shall be held at least quarterly. A schedule of meetings shall be developed by the chairperson for the calendar year, after consultation with the membership and the staff person designated by the Director of the Department. Special meetings of the Commission may be called by the chairperson or by a written request signed by at least five Commissioners. Notice of the special meeting must be provided to Commission members and the Governor at least seven days prior to the meeting. Special meetings of advisory groups, the Council and Committees may be called by the chairperson or a majority of the members appointed.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 428.140 Notice of Meetings and Agendas

Notice of meetings and agendas of regular and special meetings shall be prepared and distributed to the members of the advisory group Council, Commission and the Committees and the Director of the Department at least seven days prior to a scheduled meeting of the committee.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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Section 428.150 Compliance with the Open Meetings Act

All meetings of the Statewide Foster Care Advisory Council ~~Commission~~ shall be held in compliance with notice and other requirements of the Illinois Open Meetings Act [5 ILCS 120].

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 428.160 Quorum

A quorum at any regular or special meeting of an advisory group ~~the--Council, Commission--and--the--committees~~ shall be necessary to transact business. A majority of the advisory group ~~Commission~~ members then holding office must be present at the initial roll call at the commencement of any regular or special meeting and they shall constitute a quorum. The necessary quorum for conducting business of the advisory group ~~Council--and--Committees~~ shall be determined by a majority of each membership and included in the Rules of Procedure for each body. For the purpose of election of officers, the necessary quorum shall be a majority of the duly appointed members.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 428.170 Compensation

Members of the Department advisory groups ~~Council,--Commission--and--each Committee~~ shall serve without compensation except that they may be reimbursed for travel and per diem expenses necessary in connection with meetings and business, in accordance with Illinois Department of Central Management Services rules, as approved by the Governor's Travel Control Board.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 428.175 Conflict of Interest

a) No member of a Department advisory group shall solicit or accept gratuities, favors or anything of monetary value in exchange for serving on a body advisory to the Department. Nor shall such members receive preferential treatment in regard to Department services. Nominal tokens of appreciation (such as meals, floral arrangements, plaques, certificates and or similar items) presented in conjunction with meetings shall not be considered a violation of this provision. The value of the token(s) accepted at a single event shall not exceed \$75 dollars.

b) No member of a Department advisory group shall participate in the selection, award or administration of a grant or contract in which the

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member, a member of his or her immediate family or business partner or associate has a financial interest or which might present a conflict of interest as defined by Section 428.20.

c) Any advisory group member having a financial interest in a matter under consideration shall make a full disclosure of that interest and shall abstain from discussion, advising or voting on the matter that gave rise to the conflict.

d) Failure of an advisory group member to disclose a conflict of interest may result in removal from the Council, committee or task force and/or review of the process or decision in which the member participated.

e) The chairperson or other presiding officer shall refer the following situations to the Department Office of Internal Audits for a review or opinion:

- 1) A Council, committee or task force member has an association with a grant or contract in a manner that could be considered a conflict of interest in accordance with this Part; or
- 2) A Council, committee, or task force member appears to have solicited or accepted gratuities, favors or something of value other than the token(s) authorized by this Section in exchange for serving on a body advisory to the Department.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 428.180 Minutes

Minutes shall be kept of the transactions of each advisory group ~~the--Council, Commission--and--each Committee~~ and those minutes shall be public records filed with the Director of the Department.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 428.190 Staffing

The Director shall designate a staff person and clerical support for each advisory group ~~the--Council, Commission--and--each Committee~~ to maintain records, prepare notices and agendas for each meeting and otherwise carry out the functions of the group committee.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Procedures of the Department of Human Rights

2) Code Citation: 56 Ill. Adm. Code 2520

3) Section Number: Proposed Action:
2520.30 Amendment
2520.40 Amendment

4) Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and the Intergovernmental Cooperation Act [5 ILCS 220], and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 5/7-105(A)].

5) A complete Description of the Subjects and Issues involved: The proposed amendments revise the Department's procedures for filing requests for review.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does the rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments would not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit comments in writing concerning this proposed rulemaking within 45 days after publication of this notice to:

David T. Rothal
Staff Attorney
Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago, IL 60601
312-814-6242
T.D.D.: 312-263-1579

If, because of physical disability, you are unable to put comments in writing, you may make them orally to the person listed above.

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12) Initial Regulatory Flexibility Analysis:

A) Types of small business affected: All small business subject to the Illinois Human Rights Acts.

B) Reporting, bookkeeping or other procedures required for compliance: There are no procedures required for compliance.

C) Types of professional skills necessary for compliance: N/A

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT

CHAPTER II: DEPARTMENT OF HUMAN RIGHTS

PART 2520

PROCEDURES OF THE DEPARTMENT OF HUMAN RIGHTS

SUBPART A: INTERPRETATIONS

Section	
2520.10	Definition of Terms
2520.20	Computation of Time
2520.30	Service of Documents
2520.40	Filing with the Department
2520.50	Separability
2520.110	Preservation of Records by Employers, Labor Organizations, Employment Agencies and Respondents

SUBPART B: CHARGE

Section	
2520.310	Time of Filing (Repealed)
2520.320	Form (Repealed)
2520.330	Contents
2520.340	Requirements for Charge (Repealed)
2520.350	Unperfected Charge
2520.360	Amendment
2520.370	Substitution and Addition of Parties (Repealed)
2520.380	Withdrawal of Charge

SUBPART C: PROCEDURE UPON CHARGE

Section	
2520.410	Docketing and Service of Charge (Repealed)
2520.420	Maintenance of Records (Repealed)
2520.430	Investigation
2520.440	Fact-Finding Conference
2520.450	Administrative Closure (Repealed)
2520.460	Determination After Investigation (Repealed)
2520.470	Conciliation (Repealed)
2520.480	Complaint (Repealed)

SUBPART D: SETTLEMENTS

Section	
2520.510	Settlement
2520.520	Non-Disclosure (Repealed)
2520.530	Dismissal for Refusal to Accept Settlement Offer (Repealed)
2520.540	Non-Compliance with Settlement Terms (Repealed)

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SUBPART E: ADMINISTRATIVE CLOSURE, DISMISSAL AND DEFAULT

Section	
2520.550	Administrative Closure
2520.560	Dismissal
2520.570	Default

SUBPART F: REQUESTS FOR REVIEW

2520.573	Filing with Chief Legal Counsel
2520.575	Contents for Request for Review
2520.577	Notice by the Chief Legal Counsel
2520.580	Extension of time
2520.583	Reply to Request for Review
2520.585	Additional Investigation
2520.587	Decision

SUBPART G: RELATIONS WITH LOCAL HUMAN RIGHTS AGENCIES

Section	
2520.610	Scope and Purpose (Repealed)
2520.620	Definitions (Repealed)
2520.630	Cooperative Agreements
2520.640	Nature of Cooperative Agreements
2520.650	Training and Technical Assistance
2520.660	Promotion of Communication and Goodwill

SUBPART H: EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION
BY STATE EXECUTIVE AGENCIES

Section	
2520.700	Definitions
2520.710	Scope and Purpose
2520.720	Affirmative Action Groups
2520.730	Consideration of Additional Groups
2520.740	Definitions (Renumbered)
2520.750	Nondiscrimination (Repealed)
2520.760	Plans
2520.770	Reporting and Record-Keeping
2520.780	Equal Employment Opportunity Officers
2520.790	Complaint Process
2520.795	Compliance Reviews
2520.797	Sanctions for Noncompliance

APPENDIX A	Contents of Affirmative Action Plans
APPENDIX B	Value Weight Assignment Chart

AUTHORITY: Implementing Articles 1 through 7B of the Illinois Human Rights Act

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[775 ILCS 5/Arts. 1 through 7B] and the Intergovernmental Cooperation Act [5 ILCS 2201], and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].

SOURCE: Adopted November 20, 1972 by the Fair Employment Practices Commission; transferred to the Department of Human Rights by P.A. 81-1216, effective July 1, 1980; emergency amendments at 4 Ill. Reg. 39, p. 335, effective September 17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 1627, effective February 9, 1981; amended at 6 Ill. Reg. 2125, effective February 8, 1982; amended at 6 Ill. Reg. 3076, effective March 15, 1982; amended at 6 Ill. Reg. 8090, effective July 1, 1982; codified at 8 Ill. Reg. 17884; amended at 17 Ill. Reg. 15536, effective September 13, 1993; amended at 18 Ill. Reg. 16829, effective November 4, 1994; emergency amendment at 20 Ill. Reg. 445, effective January 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 5084, effective March 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6291, effective April 18, 1996; amended at 20 Ill. Reg. 10631, effective July 24, 1996; amended at 21 Ill. Reg. _____, effective _____.

SUBPART A: INTERPRETATIONS

Section 2520.30 Service of Documents

- a) Manner of Service. Unless otherwise provided, all documents required to be served under the Act or this Part shall be served personally, by telefax, or by U.S. first-class mail or by private delivery service. However, requests for review, replies to requests for review, and requests for extension of time to file requests for review may be served upon the Chief Legal Counsel only by personal service, by U.S. mail or by private delivery service.
- b) Proof of Service. Where service on the Department is required, proof of service shall be filed with the Department consisting of the verified statement of the individual making service, specifying the title of the document, manner and date of such service.
- c) Effective Date of Service by Mail. Service by mail shall be deemed complete five days after mailing of the document, properly addressed and posted for delivery to the person to be served.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

Section 2520.40 Filing with the Department

Documents ~~Att--documents~~ required to be filed with the Department shall be deemed filed when received, if hand-delivered or telefaxed, except that requests for review filed pursuant to Section 2520.573 of this Part, replies to requests for review filed pursuant to Section 2520.583 of this Part, and requests for extensions of time to file requests for review filed pursuant to

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Section 2520.580 of this Part may not be telefaxed. An item delivered by the U.S. Postal Service shall be deemed to have been filed when postmarked, properly addressed and posted for delivery. An item delivered by a private delivery service shall be deemed to have been filed on the date sent as indicated on the label, or in the absence of such a date on the label, shall be deemed filed on the date received. ~~An item received by mail shall be deemed to have been filed when postmarked, properly addressed and posted for delivery.~~

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

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- 1) Heading of the Part: Professional Counselor and Clinical Professional Counselor Licensing Act

- 2) Code Citation: 68 Ill. Adm. Code 1375

- 3) Section Numbers:

Proposed Action:

1375.10 Amendment
 1375.20 Amendment
 1375.30 Amendment
 1375.40 Amendment
 1375.50 Amendment
 1375.60 Amendment
 1375.70 Amendment
 1375.80 Amendment
 1375.100 Amendment
 1375.110 Amendment
 1375.120 Amendment
 1375.140 Amendment
 1375.150 Amendment
 1375.160 Amendment
 1375.170 Amendment
 1375.200 Amendment
 1375.220 New Section
 1375.225 New Section
 1375.225 New Section

- 4) Statutory Authority: Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107]

- 5) A Complete Description of the Subjects and Issues Involved: The proposed rules clarify that the experience requirements are to be met subsequent to obtaining the required educational degree. They provide that an applicant may substitute 15 semester hours of graduate courses relating to counseling for one year of supervised training. Regarding approval of academic programs, it specifies that all programs must include a one year residence requiring interaction with faculty and other students. Since the transition period for various requirements ends December 31, 1998 applicants are given until that date (rather than September 5, 1998) to take the National Clinical Mental Health Counseling Examination. Also all certifications currently accepted by the Department from national organizations after December 31, 1998 will need to be current. Educational program requirements will change on December 31, 1998. The rules set forth provisions that will allow individuals until January 1, 2003 to have their education evaluated under prior educational requirements.

Licenses will be required to complete 12 hours of continuing education for the 1999 renewal and 24 hours of continuing education for every

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renewal thereafter. This rulemaking provides for sponsor approval for individuals wanting to provide continuing education and also sets forth the provisions by which licensees may obtain continuing education. Standards of Unprofessional Conduct have been set forth in these rules.

The Appendix sets forth definitions of course content areas and outlines subject areas, including examples of acceptable courses. This proposed rulemaking also makes numerous technical and clerical changes.

- 6) Will these proposed amendments replace emergency amendments current in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporation by reference? Yes

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Public Policy Objective (if applicable): This rulemaking has no impact on units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield, IL 62786
 217/785-0813
 FAX: 217/782-7645

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those employing licensed professional counselors and licensed clinical professional counselors and those providing continuing education programs for this profession.

B) Reporting, bookkeeping or other procedures required for compliance: It shall be the responsibility of a sponsor to provide each participant in a CE program with a certificate of attendance or participation. The sponsor shall maintain attendance records for at least five years.

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- C) Types of professional skills necessary for compliance: Skills as a professional counselor or clinical professional counselor are necessary for licensure.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997
The full text of the Proposed Amendments begins on the next page:

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- TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1375

PROFESSIONAL COUNSELOR AND CLINICAL PROFESSIONAL COUNSELOR
 LICENSING ACT

SUBPART A: LICENSED PROFESSIONAL COUNSELOR

Section

- 1375.10 Temporary License as a Professional Counselor
 1375.20 How to Obtain a Permanent License as a Professional Counselor After Receiving a Temporary License
 1375.30 Application for Examination/Permanent Licensure as a Professional Counselor
 1375.40 Professional Experience as a Professional Counselor after December 31, 1998
 1375.50 Approved Professional Counseling Programs
 1375.60 Examination - Professional Counselor
 1375.70 Endorsement - Professional Counselor
 1375.80 Restoration - Professional Counselor

SUBPART B: LICENSED CLINICAL PROFESSIONAL COUNSELOR

Section

- 1375.100 Temporary License as a Clinical Professional Counselor
 1375.110 How to Obtain a Permanent License as a Clinical Professional Counselor After Receiving a Temporary License
 1375.120 Application for Examination/Permanent Licensure as a Clinical Professional Counselor
 1375.130 Professional Experience for Licensure as a Clinical Professional Counselor Beginning January 1, 1999
 1375.135 Clinical Professional Counselor Licenses for Clinical Psychologists and Clinical Social Workers
 1375.140 Approved Clinical Professional Counseling Programs
 1375.150 Examination - Clinical Professional Counselor
 1375.160 Endorsement - Clinical Professional Counselor
 1375.170 Restoration - Clinical Professional Counselor

SUBPART C: GENERAL

Section

- 1375.200 Renewals
 1375.210 Inactive Status
 1375.220 Continuing Education
1375.225 Unprofessional Conduct

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1375.230 Granting Variances

APPENDIX I Course Descriptions

AUTHORITY: Implementing the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 18 Ill. Reg. 18018, effective December 12, 1994; amended at 21 Ill. Reg. _____, effective _____.

SUBPART A: LICENSED PROFESSIONAL COUNSELOR

Section 1375.10 Temporary License as a Professional Counselor

- a) Any person seeking a temporary license without examination under Section 55 of the Professional Counselor and Clinical Professional Counselor Licensing Act (the Act) shall file an application with the Department of Professional Regulation (the Department) on forms provided by the Department. The application shall include the following:

- 1) Education/Experience
 - A) Certification of a minimum of a master's degree in counseling, rehabilitation counseling or psychology from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located regionally-accredited-institution, or certification of education and an official transcript from a similar master's program approved by the Department in accordance with Section 1375.50 of this Part; or
 - B) Certification of a baccalaureate degree from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located and documentation of the equivalent of 3 years of full-time satisfactory supervised experience as a professional counselor subsequent to the degree:
 - i) An applicant shall document a total of 5040 clock hours of experience. No more than 1680 clock hours may be counted toward one year of experience. Part time experience shall be counted toward the experience requirement.
 - ii) The supervisor shall document the experience as satisfactory or better.
 - iii) Supervised work experience, for purposes of this Section, shall entail services to individuals, couples, groups, families and organizations in any one or more of the fields of professional counseling defined in Section 10 of the Act.
 - iv) Qualified supervisors are those individuals who, at

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the time of supervision, were master's level or doctoral level counselors (such as, but not limited to, licensed or registered marriage and family therapists, registered art therapists, pastoral counselors, school counselors, school social workers, school psychologists, certified rehabilitation counselors), certified social workers or licensed clinical social workers, licensed clinical psychologists or licensed/registered psychologists, psychiatrists defined in Section 1-121 of the Mental Health and Developmental Disabilities Code or licensed clinical professional counselors.

- v) An applicant may substitute, one time only, 15 semester hours or equivalent quarter hours of graduate courses related to counseling for one year of satisfactory supervised training.
- 2) A complete work history since receipt of the graduation--with--a first qualifying degree required for licensure (baccalaureate, master's or doctoral degree).
- 3) The required fee specified in Section 60(a) of the Act.
- 4) Certification of licensure, on forms provided by the Department, from the state or territory of the United States in which an applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance in that jurisdiction;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) All temporary licenses will expire on September 5, 1998. Any holder of a temporary license who has not passed the examination and obtained a permanent professional counselor license by September 5, 1998, shall be required to submit a new application to the Department pursuant to Section 1375.30 and meet the requirements in effect at the time of reapplication.
- c) The Department, upon recommendation of the Professional Counselor Examining and Disciplinary Board (the Board), has determined that the educational and experience requirements of the following certifications meet the standards for an applicant to sit for the examination:
 - 1) Illinois Alcohol and Other Drug Abuse Professional Certification Association, Inc. at the master's level (Certified Master AODA Counselor)
 - 2) Clinical member of the American Association of Marriage and Family Therapy (AAMFT)
 - 3) Type 73 certificate issued by the Illinois State Board of

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Education as a School Psychologist, School Counselor and School Social Worker

- 4) American Association of Pastoral Counselors Fellow or Diplomate
- An applicant who holds certification in any of the above groups needs to submit a copy of a certification in lieu of the documents required in subsections (a)(1)(A) and (B) above.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1375.20 How to Obtain a Permanent License as a Professional Counselor After Receiving a Temporary License

- a) Any person holding a temporary license as a professional counselor shall pass an examination specified in Section 1375.60 to qualify for a permanent license. The examination shall be passed by midnight September 5, 1998, when all temporary licenses expire, regardless of when they were issued.
- b) Any person who obtained a temporary license as a professional counselor with a baccalaureate and 3 years of experience under Section 1375.10(a)(1)(B) must document the equivalent of an additional 2 years of full-time supervised work obtained after receipt of the temporary license to become eligible to take the examination for a permanent license.

1) One year of experience shall be a maximum of 1680 clock hours with--a--minimum-of-one-hours-per-week-of-supervision. Two years equals 3360 clock hours. No more than 1680 clock hours may be counted toward one year of experience. Part time experience shall be counted toward the experience requirement.

2) Supervised work experience, for purposes of this Section, shall entail services to individuals, couples, groups, families and organizations in any one or more of the fields of professional counseling defined in Section 10 of the Act.

3) Qualified supervisors are those individuals who, at the time of supervision, were master's level or doctoral level counselors (such as, but not limited to, licensed or registered marriage and family therapists, registered art therapists, pastoral counselors, school counselors, school social workers, school psychologists, certified rehabilitation counselors), certified

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social workers or licensed clinical social workers, licensed clinical psychologists or licensed/registered psychologists, psychiatrists defined in Section 1-121 of the Mental Health and Developmental Disabilities Code or licensed clinical professional counselors.

- 4) The experience shall have been evaluated by the supervisor as satisfactory or better.

5) An applicant may substitute, one time only, 15 semester hours or equivalent quarter hours of graduate courses related to counseling for one year of satisfactory supervised training.

- c) To sit for the examination, all applicants shall submit an application form provided by the Department, along with the examination fee, to the designated testing service.

- d) If an applicant passed an examination pursuant to Section 1375.60(b) prior to September 1998, the applicant shall have the examination scores submitted to the Department directly from the testing service.
- e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

- f) Upon notification to the Department by the testing service that the applicant has passed the examination and the submission by the applicant of the required fee set forth in Section 60 of the Act, the permanent professional counselor license may be issued.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1375.30 Application for Examination/Permanent Licensure as a Professional Counselor

- a) Each applicant seeking original licensure under Section 35 of the Act shall file an application with the Department, on forms provided by the Department, at least 90 days prior to an examination date. The application shall include:

- 1) For individuals who graduated or who were enrolled in a program prior to ~~the~~ December 31, 1998 (individuals who have until January 1, 2003 to complete the educational requirements set forth in Section 1375.50(a); otherwise, the applicant will be required to meet the educational requirements set forth in Section 1375.50(b)):

- A) Certification of education from a master's or doctoral degree program in counseling, psychology or rehabilitation

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counseling from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located regionally-accredited institution, or certification of graduation and a transcript from a similar master's or doctoral degree program approved by the Department in accordance with Section 1375.50(a) of this Part; or

B) Certification of a baccalaureate degree from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located and 5 years of full time satisfactory supervised experience as a professional counselor subsequent to the degree. The experience shall meet the following requirements:

- i) An applicant shall document a total of 8400 5040 clock hours of experience. No more than 1680 clock hours may be counted toward one year of experience. Part time experience shall be counted toward the experience requirement.
- ii) The supervisor shall document the experience as satisfactory or better.
- iii) Supervised work experience, for purposes of this Section, shall entail services to individuals, couples, groups, families and organizations in any one or more of the fields of professional counseling defined in Section 10 of the Act.
- iv) Qualified supervisors are those individuals who, at the time of supervision, were master's level or doctoral level counselors (such as, but not limited to, licensed or registered marriage and family therapists, registered art therapists, pastoral counselors, school counselors, school social workers, school psychologists, certified rehabilitation counselors), certified social workers or licensed clinical social workers, licensed clinical psychologists or licensed/registered psychologists, psychiatrists defined in Section 1-121 of the Mental Health and Developmental Disabilities Code or licensed clinical professional counselors.
- v) An applicant may substitute, one time only, 15 semester hours or equivalent quarter hours of graduate courses related to counseling for one year of satisfactory supervised training.
- vi) An applicant may begin gaining the required experience upon completion of the degree requirements. Verification of the date of completion of the degree, when different from the date of graduation, shall be certified to the Department by the applicant's educational institution.

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2) Beginning January 1, 1999:

- A) Certification of education and an official transcript from a master's or doctoral degree program in counseling, psychology, rehabilitation counseling or similar degree program approved in accordance with Section 1375.50(a) of this Part; or
- B) Certification of education and an official transcript from a baccalaureate program in human services or similar degree program approved by the Department in accordance with Section 1375.50 of this Part and documentation of completion of 5 years of supervised professional experience subsequent to the degree in accordance with Section 1375.40 of this Part.
- 3) A complete work history since receipt of a qualifying degree for licensure (baccalaureate, master's or doctorate degree).
- 4) The required fee set forth in Section 60 of the Act.
- 5) Certification of licensure, on forms provided by the Department, from the state or territory of the United States in which an applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance in that jurisdiction;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) Individuals applying for licensure as a professional counselor may submit one of the following certifications current--certification (based on examination), in lieu of the documents required in subsection (a)(1) and (2), from one of the following organizations:
 - 1) Certified Clinical Mental Health Counselor (CCMHC)
 - 2) Commission on Rehabilitation Counselor Certification (CRC)
 - 3) Nationally Certified Career Counselors (NCCC) through--National Board-for-Certified-Counselors--(NBCC)
 - 4) Nationally Certified School Counselors (NCSC) through--NBCE
 - 5) National Certified Counselor (NCC)
 - 6) Nationally Certified Gerontological Counselor (NCGC) through--NBCE

An applicant submitting one of the certifications listed above will not be required to take and pass an additional examination administered by the Department. The Department, upon recommendation of the Board, has determined that the education, experience and examination requirements are equivalent to the requirements for licensure as a professional counselor.
- c) The Department, upon recommendation of the Board, has determined that the educational and experience requirements of the following certifications meet the standards for an applicant to sit for the examination:

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- 1) Illinois Alcohol and Other Drug Abuse Professional Certification Association, Inc. at the master's level (Certified Master AODA Counselor) (IODAPCA) level
- 2) Clinical Member of the American Association of Marriage and Family Therapy (AAMFT)
- 3) Type 73 certificate issued by the Illinois State Board of Education as a School Psychologist, School Counselor or School Social Worker
- 4) Fellow or Diplomate of the American Association of Pastoral Counselors (AAPC)

An applicant who holds certification in any of the above groups needs to submit a copy of a certification in lieu of the documents required in subsections (a)(1) and (2) above. After December 31, 1998 all certifications accepted by the Department shall be current.

- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1375.40 Professional Experience as a Professional Counselor after December 31, 1998

- a) Persons applying for licensure as professional counselors after December 31, 1998, who hold a baccalaureate degree in human services or similar degree program that meets the requirements set forth in Section 1375.50 shall be required to complete 5 years of satisfactory supervised professional experience as follows:
 - 1) One year of experience shall be a maximum of 1680 clock hours obtained in not less than 48 weeks. A total of 8400 clock hours is required. No more than 1680 clock hours may be counted toward one year of experience. Part time experience shall be counted toward the experience requirement.
 - 2) 15 semester hours or equivalent quarter hours of graduate courses related to counseling may be substituted one time for one year of work experience.
 - 3) Supervised experience shall be experience obtained under a qualified supervisor and entail the provision of services to individuals, couples, groups, families and organizations in any one or more of the fields of professional counseling defined in Section 10 of the Act.

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- 4) A qualified supervisor means any person who is a licensed clinical professional counselor, licensed clinical social worker, ~~certified--social--worker~~, licensed clinical psychologist, or psychiatrist as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code. If supervision took place outside Illinois, the supervisor shall be a master's level or doctoral level counselor engaged in clinical professional counseling. The supervisor shall hold a license if the jurisdiction in which the supervisor practices requires licensure.
- 5) The supervisor shall have met with the applicant at least one hour each week.
- 6) The experience shall have been evaluated by the supervisor as satisfactory or better.
- 7) The supervisor may be provided at the applicant's place of work or may be hired by the applicant to provide supervision.
- 8) The counseling activities must be performed pursuant to the supervisor's order, control, oversight, guidance and full professional responsibility.
- b) An applicant may begin gaining the required experience upon completion of the degree requirements. Verification of the date of completion of the degree, when different from the date of graduation, shall be certified to the Department by the applicant's educational institution.
- c) b) A person holding a master's degree or doctorate in the field of counseling, rehabilitation counseling, psychology or similar degree program shall not be required to document experience to qualify for licensure as a professional counselor.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1375.50 Approved Professional Counseling Programs

- a) The Department shall approve similar degree programs (baccalaureate, master's, doctoral degree), on or before December 31, 1998, utilizing the following criteria:
 - 1) The program shall be located in a college, university or school recognized by the education accrediting authority in the jurisdiction in which it is located.
 - 2) The program shall require an individual to complete a minimum of 30 semester hours or equivalent quarter hours in any of the following 13 core areas:
 - A) Human Growth and Development and Maladaptive Behavior
 - B) Counseling Theory
 - C) Counseling Techniques
 - D) Group Dynamics, Processing and Counseling
 - E) Appraisal of Individuals

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- F) Research and Evaluation
- G) Professional, Legal and Ethical Responsibilities relating to professional counseling, especially as related to Illinois law
- H) Social and Cultural Foundations
- I) Lifestyle and Career Development
- J) Practicum
- K) Counseling Education
- L) Counseling Supervision
- M) Counseling Administration

b) After January 1, 1999, the Department shall, upon the recommendation of the Professional Counselor Examining and Disciplinary Board, approve baccalaureate programs in human services or similar degree programs at the baccalaureate level or counseling, rehabilitation counseling, psychology, or similar degree programs at the master's or doctoral level if they meet the following requirements:

- 1) The institution is a regionally accredited institution of higher education,
- 2) The program, wherever it may be administratively housed, must be clearly identified and labeled as offering counseling, rehabilitation counseling, psychology or similar programs. Such a program must specify in institutional catalogues and brochures its intent to educate and train counselors or the institution grants a baccalaureate human services degree,
- 3) The program is an organizational entity within the institution,
- 4) The program has an integrated, organized sequence of study at least 2 academic years in length and must require an individual to complete a minimum of 48 semester hours or equivalent quarter hours with a course in at least 10 of the 16 core areas listed below:

- A) Human Growth and Development
- B) Counseling Theory
- C) Counseling Techniques
- D) Group Dynamics, Processing and Counseling
- E) Appraisal of Individuals
- F) Research and Evaluation
- G) Professional, Legal and Ethical Responsibilities relating to professional counseling, especially as related to Illinois law

- H) Social and Cultural Foundations
- I) Lifestyle and Career Development
- J) Practicum
- K) Counseling Education
- L) Counseling Supervision
- M) Counseling Administration
- N) Family Dynamics
- O) Psychopathology and Maladaptive Behavior
- P) Substance Abuse

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- 5) The program has faculty responsible for the program and has a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled,
- 6) The program has an identifiable body of students who are matriculated in that program for a degree.
- 7) The program has a one year residence. Residence requires interaction with faculty and other matriculated students. One year's residence is defined as 24 semester hours taken on a full-time or part-time basis at the institution accumulated within the time frame and course of study of the program.

c) Reevaluation of an Approved Program

- 1) The Department may reevaluate any approved program at any time if it has reason to believe that the program has failed to continue to satisfy the minimum requirements of this Section or that the Department's decision to approve a program was based upon false, deceptive or incomplete information.
- 2) A program whose approval is being reevaluated by the Department shall be given at least 15 days written notice prior to any recommendation by the Board and may either submit written comments or request a hearing before the Board.
- d) For the purposes of this Section, course shall be defined as an integrated, organized course of study which encompasses a minimum of one school semester or equivalent hours term. No workshops, student designed courses, independent study courses or correspondence courses may be used to satisfy the core courses.
- e) The Department, upon recommendation of the Board, has determined that all master's degree and doctoral programs in professional counseling that are accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) and the Council on Rehabilitation Education (CORE) are approved. All doctoral programs in psychology of the American Psychological Association or the Council for the National Register of Health Service Providers in Psychology are approved.
- f) Individual Program Requirements
 - 1) Individuals applying for licensure as a professional counselor who have not graduated from a program approved by the Department shall submit their transcripts and program materials to the Department for evaluation by the Board to determine if they meet the requirements of this Section.
 - 2) Individuals applying for licensure who are deficient in any of the core content areas in subsection (b)(4) above may complete any one or all of these courses in a counseling, rehabilitation counseling, psychology or similar degree program from an accredited institution. The applicant will be required to submit proof to the Department that he/she has passed such a course(s). Proof may include, but not be limited to, transcripts, curriculum and course materials.
 - 3) Individuals who are admitted to a degree program prior to

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December 31, 1998 have until January 1, 2003 to meet the educational requirements set forth in subsection (a) of this Section. After that date the applicant will be required to meet the curriculum requirements set forth in subsection (b) of this Section.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1375.60 Examination - Professional Counselor

- a) The examination administered by the Department for licensure as a professional counselor shall be the National Counselor Examination (NCE) of the National Board for Certified Counselors (NBCC).
- b) The passing score on the examination shall be the passing score established by the testing entity.
- c) The Department also shall accept passage of the Certified Rehabilitation Counselor Examination of the Commission on Rehabilitation Counselor Certification (CRCC), and the Certified Clinical Mental Health Counselor (CCMHC) and Assessment Services Incorporation (ASI) Licensed Professional Counselor Examination. The passing scores on the examinations shall be the passing scores established by the testing entity.
- d) The Department shall accept the National Counseling Examination (NCE) taken and passed, according to Department standards, in Illinois or in another jurisdiction.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1375.70 Endorsement - Professional Counselor

- a) Each applicant seeking licensure under Section 70 of the Act shall file an application with the Department on forms provided by the Department. The application shall include:
 - 1) Until December 31, 1998:
 - A) Certification of education from a master's or doctoral degree program in counseling, psychology or rehabilitation counseling from a college, university or school recognized by the educational accrediting authority in the jurisdiction in which it is located ~~regionally-accredited-institution~~, or certification of education and a transcript from a similar master's or doctoral degree program approved by the Department in accordance with Section 1375.50(a) of this Part; or
 - B) Certification of a baccalaureate degree from a college, university or school recognized by the educational accrediting authority in the jurisdiction in which it is

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.located and 5 years of full time satisfactory supervised experience as a professional counselor as defined in Section 1375.30(a)(1)(B).

2) Beginning January 1, 1999:

- A) Certification of education and an official transcript from a master's or doctoral degree program in counseling, psychology, rehabilitation counseling or similar degree program approved in accordance with Section 1375.50(a) of this Part; or
- B) Certification of education and an official transcript from a baccalaureate program in human services or similar degree program approved by the Department in accordance with Section 1375.50 of this Part and documentation of completion of 5 years of supervised professional experience in accordance with Section 1375.40 of this Part.
- 3) A complete work history since receipt of a qualifying degree for licensing (a baccalaureate, master's or doctorate degree).
- 4) Successful completion of the professional counselor examination set forth in Section 1375.60 of this Part.
- 5) The required fee set forth in Section 60(a) of the Act.
- 6) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1375.80 Restoration - Professional Counselor

- a) Any professional counselor whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 60(c) of the Act.

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Individuals restoring after March 31, 1999 will be required to submit proof of having met the continuing education requirements pursuant to Section 1375.220.

- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department together with the fee required by Section 60(d) of the Act. Individuals restoring after March 31, 1999 will be required to submit proof of having met the continuing education requirements pursuant to Section 1375.220. The applicant shall also submit either:

1) Certification of active practice in another jurisdiction. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or

2) An affidavit attesting to military service as provided in Section 60(d) of the Act; or

3) Proof of passage of the National Counselor Examination (NCE) ~~or the Certified Rehabilitation Counselor Examination or the Certified Clinical--Mental--Health--Counselor--(CEMHE)~~ during the period the license was lapsed or on inactive status.

- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration of a license shall be required to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information. Upon recommendation of the Board and approval by the Department, an applicant shall have the license restored.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

SUBPART B: LICENSED CLINICAL PROFESSIONAL COUNSELOR

Section 1375.100 Temporary License as a Clinical Professional Counselor

- a) Any person seeking a temporary clinical professional counselor license without examination under Section 55 of the Professional Counselor and Clinical Professional Counselor Licensing Act shall file an application with the Department on forms provided by the Department. The application shall include the following:

- 1) Certification of a minimum of a master's degree in the field of counseling, rehabilitation counseling or psychology from a college, university or school recognized by the educational

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governing authority in the jurisdiction in which it is located regionally-accredited institution, or certification of education and an official transcript of a similar master's or doctorate program approved by the Department in accordance with Section 1375.140 of this Part;

- 2) Documentation of the equivalent of one unit of acceptable experience subsequent to the degree.

A) One unit of acceptable experience is either:

- i) One year of full-time clinical professional counseling experience under the direction of a qualified supervisor. A qualified supervisor is any person who is a master's level or doctoral level counselor (such as, but not limited to, registered art therapist, licensed or registered marriage and family therapist, school counselor, school social worker, school psychologist, certified rehabilitation counselor at the master's level, pastoral counselor), a licensed clinical professional counselor, certified social worker or licensed clinical social worker, or licensed/registered clinical psychologist, or psychiatrist as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code.

- ii) Two years of clinical professional counseling experience independent of the direction of a qualified supervisor.

- iii) A qualified supervisor may be provided at the applicant's place of work, or may be hired by the applicant to provide supervision.

- B) One year of full-time experience shall be a maximum of ~~equais~~ 1680 clock hours obtained in not less than 48 weeks. No more than 1680 clock hours may be counted toward one year of experience. Part time experience shall be counted toward the experience requirement.

- C) The unit requirements for this Section may be satisfied by supervised experience, independent experience or a combination of supervised and independent experience.

- D) Experience shall be documented as follows:

- i) Certification of experience signed by the applicant's supervisor; or
- ii) Three affidavits from the applicant's peers or colleagues who are familiar with the applicant's work;
- 3) A complete work history since completion of a master's degree program;
- 4) The required fee specified in Section 60(a) of the Act; and
- 5) Certification of licensure, on forms provided by the Department, from the state or territory of the United States in which an applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if

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applicable, stating:

- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance in that jurisdiction;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) All temporary licenses will expire on September 5, 1998. Any holder of a temporary clinical professional counselor license who has not passed the examination and obtained a permanent clinical professional counselor license by September 5, 1998, shall be required to submit a new application to the Department pursuant to Section 1375.120 and meet the requirements in effect at the time of reapplication.
- c) The Department, upon recommendation of the Board, has determined that individuals who hold a Certified Master AODA Counselor (CMADC) certification from the Illinois Alcohol and Other Drug Abuse Professional Certification Association (IODAPCA) meet the education and experience requirements to be eligible to sit for the examination. An applicant shall submit a CMADC certification from IODAPCA in lieu of the documents required in subsection (a)(1) and (2). Applicants will be required to pass the examination set forth in Section 1375.150.
- d) The Department, upon recommendation of the Board, has determined that the individuals who hold a certification from the following groups meet the education requirements to be eligible to sit for the examination:
- 1) Clinical Member of the American Association for Marriage and Family Therapy (AAMFT)
 - 2) Fellow or Diplomate of the American Association of Pastoral Counselors (AAPC)
 - 3) Type 73 certificate issued by the Illinois State Board of Education as a School Social Worker, School Counselor or School Psychologist
 - 4) National Certified Counselor (NCC)
- Applicants shall submit a certification from one of the above entities ~~in lieu of the certification of education~~ in subsection (a)(1). Applicants will need to submit certification of education, proof of experience and pass the examination set forth in Section 1375.150.
- e) The Department, upon recommendation of the Board, has determined that individuals who hold certification from Certified Rehabilitation Counselor (CRC) meet the examination requirements set forth in Section 1375.150 ~~for licensure~~. Individuals who received a certificate from CRC after 1992 meet the education requirements. Individuals who received a certificate from CRC before 1992 will be required to submit a transcript pursuant to Section 1375.150 in order to evaluate educational requirements. All applicants holding a CRC certificate shall submit proof of experience.
- f) When the accuracy of any submitted documentation or the relevance or

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sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1375.110 How to Obtain a Permanent License as a Clinical Professional Counselor After Receiving a Temporary License

Any person holding a temporary license as a clinical professional counselor shall pass an examination specified by the Department to qualify for a permanent license. The examination shall be passed by September 5, 1998, when all temporary licenses expire, regardless of when they were issued.

a) Any person who obtained a temporary clinical professional counselor license will be required to submit proof of an additional one unit of acceptable clinical professional counseling experience obtained after receipt of the temporary license.

- 1) For the purposes of this Section only, one unit of acceptable experience shall be either:
 - A) The equivalent of one year of full-time work experience under the direction of a qualified supervisor; or
 - B) The equivalent of 2 years of work experience independent of the direction of a qualified supervisor.

- 2) The specified experience may be obtained as follows:

- A) One year of experience shall be a maximum of 1680 clock hours obtained in not less than 48 weeks. No more than 1680 clock hours may be counted toward one year of experience.

Part time experience shall be counted toward the experience requirement.

- B) For purposes of this subsection, qualified supervisors are those individuals who at the time of supervision were master's level or doctoral level counselors (such as, but not limited to, licensed or registered marriage and family therapists, registered art therapists, pastoral counselors, school counselors, school social workers, school psychologists, certified rehabilitation counselors), certified social workers, licensed clinical social workers, licensed clinical psychologists, licensed/registered psychologists, psychiatrists defined in Section 1-121 of the Mental Health and Developmental Disabilities Code or licensed clinical professional counselors.

- C) The experience shall have been evaluated by the supervisor

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as satisfactory.

- D) The unit requirements for this subsection may be satisfied by supervised experience, independent experience or a combination of supervised and independent experience.

3) Experience shall be documented as follows:

- A) Certification of experience signed by the applicant's supervisor; or
 B) Three affidavits from the applicant's colleagues, consultants and supervisors who are familiar with the applicant's work.

- b) To sit for the examination, the applicant shall submit an application form provided by the Department, along with the examination fee to the designated testing service.

- c) Upon notification to the Department by the testing service that the applicant has passed the examination ~~and--the--submission--by--the applicant--of--the--required--fee--set--forth--in--Section--60--of--the--Act,~~ the permanent clinical professional counselor license shall be issued.

- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

- 1) Provide such information as may be necessary; and/or
 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1375.120 Application for Examination/Permanent Licensure as a Clinical Professional Counselor

- a) Each applicant seeking original licensure under Section 35 of the Act shall file an application with the Department, on forms provided by the Department, at least 90 days prior to an examination date. The application shall include:

- 1) For individuals who graduated or who were enrolled in a program prior to ~~on--or--before~~ December 31, 1998 (individuals have until January 1, 2003 to complete the educational requirements set forth in Section 1375.140(a); otherwise, the applicant will be required to meet the educational requirements set forth in Section 1375.140(b));

- A) Certification of education from a master's degree in counseling, rehabilitation counseling or psychology from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located ~~regionally--accredited--institution,~~ or certification

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of education and an official transcript from a similar master's degree program as defined in Section 1375.140 of this Part and completion of the equivalent of 2 units of acceptable experience (2 years full-time satisfactory supervised employment working as a clinical professional counselor under the direction of a qualified supervisor or 4 years working as a clinical professional counselor independent of the direction of a qualified supervisor subsequent to the degree as defined in Section 1375.100(a)(2) of this Part or a combination of supervised experience and independent experience); or

- B) Certification of education and an official transcript from a doctoral degree in counseling, rehabilitation counseling, psychology from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located or similar degree program as defined in Section 1375.140 of this Part and completion of the equivalent of 2 units of acceptable experience (2 years of full-time satisfactory supervised experience working as a clinical professional counselor under the direction of a qualified supervisor or 4 years working as a clinical professional counselor independent of the direction of a qualified supervisor, as defined in Section 1375.100(a)(2) or a combination of supervised experience and independent experience).

- C) Experience shall be documented as follows:

- i) Certification of experience signed by the applicant's supervisor; or
 ii) Three affidavits from the applicant's colleagues, consultants and supervisors who are familiar with the applicant's work.

- 2) For individuals who graduated on or after Beginning January 1, 1999:

- A) Certification of education and an official transcript from a master's degree in counseling, rehabilitation counseling, psychology from a regionally accredited college, school or university or similar degree program as defined in Section 1375.140 of this Part and completion of the equivalent of 2 years full-time satisfactory supervised employment or experience working as a clinical professional counselor under the direction of a qualified supervisor, subsequent to the degree, as defined in Section 1375.130 of this Part; or
 B) Certification of education and an official transcript from a doctoral degree in counseling, rehabilitation counseling, psychology from a regionally accredited college, school or university or similar degree program as defined in Section 1375.140 of this Part and completion of the equivalent of 2 years of full-time satisfactory supervised experience

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working as a clinical professional counselor under the direction of a qualified supervisor, as defined in Section 10 of the Act, at least one year of which is subsequent to the degree.

- 3) A complete work history since receipt of graduation from the first qualifying degree program (master's or doctoral degree).
- 4) The fee required in Section 60(a) of the Act.
- 5) Certification of licensure, on forms provided by the Department, from the state or territory of the United States in which an applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance in that jurisdiction;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b) The Department, upon recommendation of the Board, has determined that individuals who hold the certification of a Certified Clinical Mental Health Counselor (CCMHC) based on examination meet the education, experience and examination requirements for licensure as a Clinical Professional Counselor.

c) Prior to January 1, 1999 the Department, upon recommendation of the Board, has determined that individuals who hold a Certified Master AODA Counselor (CMADC) certification from the Illinois Alcohol and Other Drug Abuse Professional Certification Association (IODAPCA) meet the education and experience requirements to be eligible to sit for the examination. An applicant shall submit a CMADC certification from the IODAPCA in lieu of the documents required in subsections (a)(1) and (2). Applicants will be required to pass the examination set forth in Section 1375.150. After December 31, 1998 individuals shall be required to submit certification of education and experience as set forth in subsection (a)(2) above.

d) The Department, upon recommendation of the Board, has determined that the individuals who hold a certification from the following groups meet the education requirements to be eligible to sit for the examination.

- 1) Clinical Member of the American Association for Marriage and Family Therapy (AAMFT)
- 2) Fellow or Diplomate of the American Association of Pastoral Counselors (AAPC)
- 3) Type 73 certificate issued by the Illinois State Board of Education as a School Counselor, School Social Worker or School Social Psychologist

An applicant shall submit a current the certification from one of the above entities in lieu of the documents required for education. The applicant shall submit proof of experience and pass the examination

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set forth in Section 1375.150.

- e) The Department, upon recommendation of the Board, has determined that individuals who hold certification from Certified--Rehabilitation Counselor--(CRC)--meet the education requirements for licensure--Proof of experience and education would need to be submitted--Individuals who received their Certified Rehabilitation Counselor (CRC) CRC certification after January 1992 have been determined to meet the education and examination requirements. Individuals who received a certificate from CRC before 1992 will be required to submit a transcript pursuant to Section 1375.150 in order to evaluate educational requirements. All applicants holding a CRC certificate shall submit Proof of experience would need to be submitted.

f) An applicant may begin gaining the required experience upon completion of the degree requirements. Verification of the date of completion of the degree, when different from the date of graduation, shall be certified to the Department by the applicant's educational institution.

g) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1375.130 Professional Experience for Licensure as a Clinical Professional Counselor Beginning January 1, 1999

Beginning January 1, 1999, professional counseling experience shall be obtained as set forth below:

- a) A person holding a master's degree in counseling, rehabilitation counseling, psychology or similar degree program shall have completed the equivalent of 2 years of full-time satisfactory supervised experience working as a clinical professional counselor under the direction of a qualified supervisor subsequent to the degree.
- b) A person holding a doctorate in counseling, rehabilitation counseling, psychology or similar degree program shall have completed the equivalent of 2 years of full-time satisfactory supervised experience working as a clinical professional counselor under the direction of a qualified supervisor at least one year of which is subsequent to the degree. Internships may count toward professional experience.
- c) A qualified supervisor means any person who is a licensed clinical professional counselor, licensed clinical social worker, licensed

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clinical psychologist, or psychiatrist as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code. If supervision took place outside Illinois, the supervisor shall be a master's level or doctoral level counselor engaged in clinical professional counseling. The supervisor shall hold a license if the jurisdiction in which the supervisor practices requires licensure.

d) One year of experience shall be a maximum of 1680 clock hours obtained in not less than 48 weeks including 960 clock hours of direct face to face service to clients. Part time experience shall be counted toward the experience requirement.

e) For purposes of this Section, supervised experience shall be experience obtained under a qualified supervisor as defined in Section 10 of the Act and entail the provision of professional counseling and mental health services defined in Section 10 of the Act.

1) The supervisor shall have met with the applicant at least one hour each week. The supervision means the review of counseling and case management.

2) The experience shall have been evaluated by the supervisor as satisfactory or better.

f) Face to face supervision does not include mail, telefax, phone or other such electronic devices.

g) Acceptable modes for supervision of direct client contact are as follows:

1) Individual supervision: the supervisory session is conducted by an approved supervisor with one or two counselors present.

2) Group supervision: the supervisory session is conducted by an approved supervisor with no more than 5 counselors present.

h) The counseling activities must be performed pursuant to the supervisor's order, control, oversight, guidance and full professional responsibility.

i) A qualified supervisor may be provided at the applicant's place of work or may be hired by the applicant to provide supervision.

j) The following activities are not acceptable clinical supervision:

1) Peer supervision.

2) Administrative supervision. For example, clinical practice performed under administrative rather than clinical supervision of an institutional director or executive.

3) A primarily didactic process wherein techniques or procedures are taught in a classroom, workshop or seminar.

4) Consultation, staff development, or orientation to a field or program, or role-playing of family interrelationships as a substitute for current clinical practice in an appropriate clinical situation.

k) An applicant may begin gaining the required experience upon completion of the degree requirements. Verification of the date of completion of the degree, when different from the date of graduation, shall be certified to the Department by the applicant's educational institution.

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(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1375.140 Approved Clinical Professional Counseling Programs

a) On or before December 31, 1998, the Department, upon recommendation of the Board shall approve similar degree programs that meet the following requirements:

1) Master's degrees shall be from approved-by a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located. regionally--accredited institution--of--higher--education. Doctoral degrees shall be accredited by an accrediting agency recognized by the U.S. Department of Education.

2) The program shall be 2 academic years and shall require an individual to complete a minimum of 30 semester hours or equivalent quarter hours in any of the following 10 core areas:

- A) Human Growth and Development and Maladaptive Behavior
- B) Counseling Theory
- C) Counseling Techniques
- D) Group Dynamics, Processing and Counseling
- E) Appraisal of Individuals
- F) Research and Evaluation
- G) Professional, Legal and Ethical Responsibilities relating to professional counseling, especially as related to Illinois law
- H) Social and Cultural Foundations
- I) Lifestyle and Career Development
- J) Practicum

b) Beginning January 1, 1999, the Department shall, upon the recommendation of the Professional Counselor Examining and Disciplinary Board, approve counseling, rehabilitation counseling, psychology or similar degree programs at the master's or doctoral level if the program meets the following requirements:

1) The institution is a regionally accredited institution of higher education. Doctoral degrees shall be accredited by an accrediting agency recognized by the U.S. Department of Education.

2) The programs, wherever they may be administratively housed, must be clearly identified and labeled as offering counseling, rehabilitation counseling or psychology programs. Such a program must specify in institutional catalogues and brochures its intent to educate and train counselors.

3) The program is an organizational entity within the institution.

4) The program has an integrated, organized sequence of study.

5) The program must be 2 academic years in length and require an individual to complete a minimum of 48 semester hours or equivalent quarter hours with a minimum of one course in each of

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the following areas:

- A) Human Growth and Development
- B) Counseling Theory
- C) Counseling Techniques
- D) Group Dynamics, Processing and Counseling
- E) Appraisal of Individuals
- F) Research and Evaluation
- G) Professional, Legal and Ethical Responsibilities relating to professional counseling, especially as related to Illinois law
- H) Social and Cultural Foundations
- I) Lifestyle and Career Development
- J) Practicum/Internship
- K) Substance Abuse
- L) Maladaptive Behavior and Psychopathology
- M) Family Dynamics

- 6) The program has faculty responsible for the program and has a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have degrees in their area(s) of teaching from professional colleges and institutions;
- 7) The program has an identifiable body of students who are matriculated in that program for a degree.
- 8) The program has a one year residence. Residence requires interaction with faculty and other matriculated students. One year's residence is defined as 24 semester hours taken on a full-time or part-time basis at the institution accumulated within the time frame and course of study of the program.

c) Reevaluation of an Approved Program

- 1) The Department may reevaluate any approved program at any time if it has reason to believe that the program has failed to continue to satisfy the minimum requirements of this Section or that its decision was based upon false, deceptive or incomplete information.
- 2) A program whose approval is being reevaluated by the Committee shall be given at least 15 days written notice prior to any recommendation by the Board and may either submit written comments or request a hearing before the Board.
- d) For the purposes of this Section, course shall be defined as an integrated, organized course of study that encompasses a minimum of one school semester or equivalent hours term. No student designed courses, independent study courses, workshops or correspondence courses may be used to satisfy the core courses.
- e) The Department, upon recommendation of the Board, has determined that all master's degree and doctoral programs in professional counseling that are accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP), the Council on Rehabilitation Education (CORE) and doctoral programs in psychology approved by the

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American Psychological Association and the Council for the National Registry of Health Service Providers are approved programs.

- f) Individual Program Requirements
 - 1) Individuals applying for licensure as a clinical professional counselor who have not graduated from a master's or doctoral program approved by the Department shall submit their transcripts and program materials to the Department for evaluation by the Board to determine if they meet the requirements of this Section.
 - 2) 57 Individuals applying for licensure above who are deficient in any of the content areas set forth in subsection (b)(5) of this Section may complete any deficiencies one-or-aft-of-these-courses in an approved a counseling, rehabilitation counseling or psychology program. The applicant will be required to submit proof to the Department that he or she has passed such a course(s) and/or the experience. Proof shall include, but not be limited to, curriculum, practicum, and program materials, internship handbook and course materials.
 - 3) Individuals who are admitted to a degree program prior to December 31, 1998 have until January 1, 2003 to meet the educational requirements set forth in subsection (a) of this Section. After that date the applicant will be required to meet the curriculum requirements set forth in subsection (b) of this Section.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1375.150 Examination - Clinical Professional Counselor

- a) Prior to December 31, 1998 September--57--1998, the examination for licensure as a clinical professional counselor shall be the National Clinical Mental Health Counseling Examination (NCMHCE).
- b) After December 31 September-5, 1998 the examination for licensure as a clinical professional counselor shall be the National Counseling Examination (the Examination) of the National Board for Certified Counselors (NBCC) and the National Certified Mental Health Counseling Examination.
- c) The passing score on the examination shall be the passing score established by the testing entity.
- d) The Department also shall accept passage of the Certified Rehabilitation Counselor Examination of the Commission on Rehabilitation Counselor Certification (CRCC).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1375.160 Endorsement - Clinical Professional Counselor

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- a) Each applicant seeking licensure as a clinical professional counselor under Section 70 of the Act shall file an application with the Department on forms provided by the Department. The application shall include:

- 1) For individuals who graduated prior to on-or-before December 31, 1998:

- A) Certification of education from a master's degree in counseling, rehabilitation counseling or psychology from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located regionally-accredited-institution, or certification of education and an official transcript from a similar master's degree program as defined in Section 1375.140 of this Part and completion of the equivalent of 2 units of acceptable experience (2 years full-time satisfactory supervised employment working as a clinical professional counselor under the direction of a qualified supervisor or 4 years working as a clinical professional counselor independent of the direction of a qualified supervisor) subsequent to the degree as defined in Section 1375.100(a)(2) of this Part) or a combination of the supervised experience and independent experience; or
- B) Certification of education and an official transcript from a doctoral degree in counseling, rehabilitation counseling, psychology or similar degree program as defined in Section 1375.140 of this Part and completion of the equivalent of 2 units of acceptable experience (2 years of full-time satisfactory supervised experience working as a clinical professional counselor under the direction of a qualified supervisor or 4 years working as a clinical professional counselor independent of the direction of a qualified supervisor, as defined in Section 1375.100(a)(2)) or a combination of the supervised experience and independent experience.

- 2) Applicants who graduated on or after Beginning January 1, 1999:

- A) Certification of education and an official transcript from a master's degree in counseling, rehabilitation counseling, psychology from a college, university or school regionally accredited by the educational governing authority in the jurisdiction in which it is located or similar degree program as defined in Section 1375.140 of this Part and completion of the equivalent of 2 years full-time satisfactory supervised employment or experience working as a clinical professional counselor under the direction of a qualified supervisor, subsequent to the degree, as defined in Section 1375.130 of this Part; or
- B) Certification of education and an official transcript from a doctoral degree in counseling, rehabilitation counseling,

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psychology from a college, university or school regionally accredited by the educational governing authority in the jurisdiction in which it is located or similar degree program as defined in Section 1375.140 of this Part and completion of the equivalent of 2 years of full-time satisfactory supervised experience working as a clinical professional counselor under the direction of a qualified supervisor, as defined in Section 10 of the Act, at least one year of which is subsequent to the degree.

- 3) A complete work history since receipt of the master's or doctorate degree.
- 4) Successful completion of the examinations clinical--professional counseling--examination--set--forth in accordance with Section 1375.150 of this Part.
- 5) The required fee set forth in Section 60(1) of the Act.
- 6) Certification of licensure, on forms provided by the Department, from the state or territory of the United States in which an applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:
- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance in that jurisdiction;
- B) A description of the examination in that jurisdiction; and
- C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) The Department, upon recommendation of the Professional Counselor Licensing and Disciplinary Board (the Board), shall issue a license if a review of the application indicates that the applicant application meets all the requirements of this Part and the Act set--forth--in subsections--(a)-(c)--or--(d)--above.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1375.170 Restoration - Clinical Professional Counselor

- a) Any clinical professional counselor whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 60(c) of the Act. Individuals restoring after March 31, 1999 will be required to submit proof of having met the continuing education requirements pursuant to Section 1375.220.
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with the fee required by Section 60(d) of the Act. Individuals restoring after March 31, 1999 will be required to submit proof of having met the

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continuing education requirements pursuant to Section 1375.220. The applicant shall also submit either:

- 1) Certification of active practice in another jurisdiction. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 60(d) of the Act; or
- 3) Proof of passage of the National Counselor Examination (NCE), the Certified Rehabilitation Counselor (CRC) examination Examination or the Certified Clinical Mental Health Counselor (CCMHC) examination during the period the license was lapsed or on inactive status.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration of a license shall be required to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information. Upon recommendation of the Board and approval by the Department, an applicant shall have the license restored.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART C: GENERAL

Section 1375.200 Renewals

- a) The first renewal period for licensure under the Act shall be March 31, 1997. Thereafter, every license issued under the Act shall expire on March 31 of odd numbered years. The holder of a license may renew such license during the month preceding the expiration date by paying the fee set forth in Section 60(d) of the Act. For the March 31, 1999 renewal, a licensee will be required to complete 12 hours of continuing education in accordance with Section 1375.220. Beginning with the March 31, 2001 renewal and every renewal thereafter in order to renew a license, a licensee shall be required to complete 30 hours of continuing education in accordance with Section 1375.220.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- c) Practicing or offering to practice on a license that has expired shall

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be considered unlicensed activity and shall be grounds for discipline pursuant to Section 80 of the Act.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1375.220 Continuing Education

a) Continuing Education Hours Requirements

- 1) For the March 31, 1999 renewal a licensee will be required to complete 12 hours of continuing education. Beginning with the March 31, 2001 renewal and every renewal thereafter in order to renew a license, a licensee shall be required to complete 30 hours of continuing education.
- 2) A prerenewal period is the 24 months preceding March 31 of each odd-numbered year.
- 3) CE requirements shall be the same for licensed professional counselors and licensed clinical professional counselors.
- 4) One CE hour shall equal one clock hour of attendance. After completion of the initial CE hour, credit may be given in one-half hour increments.
- 5) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
- 6) Professional counselors or clinical professional counselors licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
- 7) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.

b) Approved Continuing Education (CE)

- 1) CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course ("program") that is offered or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c) below, except for those activities provided in subsections (b)(2), (3) and (4) below.
- 2) A maximum of 10 CE credits per prerenewal period may be earned for completion of a correspondence course that is offered by an approved sponsor who meets the requirements set forth in subsection (c) below. Each correspondence course shall include an examination.
- 3) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of professional counseling related courses that are a part of the curriculum of a college, university or graduate school. Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate

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- of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
- 4) CE credit may be earned for verified teaching in the field of counseling in an accredited college, university or graduate school and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitions presentations of the same program). A maximum of 10 hours of CE credit may be obtained in this category per prer renewal period.
- 5) CE credit may be earned for authoring papers, publications, dissertations or books and for preparing presentations and exhibits in the field of counseling. The preparation of each published paper, book chapter or professional presentation dealing with professional counseling or clinical professional counseling may be claimed as 5 hours of credit. A presentation must be before an audience of professional counselors. Five credit hours may be claimed for only the first time the information is published or presented.
- 6) A maximum of 8 hours of CE credit may be earned per renewal period for supervision which is received on a regular basis with a set agenda. Supervision credit may be not earned for supervision provided to others. Supervision shall be documented with a letter from the supervisor indicating the start and end dates in which the supervision occurred, the site where supervision was provided, the number of hours of participation and the name and license number of the supervisor. The letter shall be signed by the supervisor.
- 7) A maximum of 6 hours of CE credit may be earned per renewal period for leadership activities. Such activities include, but are not limited to, officer of a state or national counseling organization; editor of a professional counseling journal; member of a national counselor certification board; member of a national ethics disciplinary review committee; chair of a major counseling conference or convention; active member of a counseling committee producing a substantial written product. The leadership shall be documented in a letter of confirmation on the organization's letterhead and shall include the start and end dates of leadership, the name of the organization and the position held.
- c) Approved CE Sponsors and Programs
- 1) Sponsor, as used in this Section, shall mean:
- A) National Board for Certified Counselors or its affiliates;
 - B) American Counseling Association or its affiliates;
 - C) Commission on Rehabilitation Counselor or its affiliates;
 - D) American Association for Marriage and Family Therapy or its affiliates;
 - E) Employee Assistance Professional Association (EAPA) and

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- Employee Society of North America (EASNA) or its affiliates; Any other accredited school, college or university, State agency, or any other person, firm, or association that has been approved and authorized by the Department to coordinate and present continuing education courses and programs in conjunction with this Section.
- 2) An entity seeking approval as a CE sponsor shall submit an application, on forms supplied by the Department, along with a \$500 application fee. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The application shall include:
- A) Certification:
 - i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3) below and all other criteria in this Section;
 - ii) That the sponsor shall be responsible for verifying full-time continuous attendance at each program and provide a certificate of attendance as set forth in subsection (c)(9) below;
 - iii) That upon request by the Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance;
 - iv) That each sponsor shall submit to the Department written notice of program offerings, including program offerings of subcontractors, 30 days prior to course dates. Notice shall include the description, location, date and time of the program to be offered;
 - B) A copy of a sample program with faculty, course materials and syllabi.
- 3) All programs shall:
- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of professional counseling or clinical professional counseling;
 - B) Foster the enhancement of general or specialized counseling or clinical counseling practice and values;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the course objectives, course content and teaching methods to be used; and
 - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.
- 4) Each CE program shall provide a mechanism for evaluation of the

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program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.

- 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.

- 6) All programs given by approved sponsors shall be open to all licensed professional counselors and licensed clinical professional counselors and not be limited to members of a single organization or group.

- 7) To maintain approval as a sponsor, each shall submit to the Department by March 30 of each odd-numbered year a renewal application, a \$250 fee and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given by the sponsor and by any subcontractor.

- 9) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:

- A) The name, address and license number of the sponsor;
- B) The name and address of the participant;
- C) A brief statement of the subject matter;
- D) The number of hours attended in each program;
- E) The date and place of the program; and
- F) The signature of the sponsor.

- 10) The sponsor shall maintain attendance records for not less than 5 years.

- 11) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.

- 12) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Department receives assurances of

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compliance with this Section.

- 13) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.

- d) Certification of Compliance with CE Requirements

- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) above.

- 2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

- 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

- e) Continuing Education Earned in Other Jurisdictions

- 1) If a licensee has earned CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days after expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

- 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$50 per hour late fee not to exceed \$300. The Board shall review and recommend approval and disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

- f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 13(4) and (5) of the Act.

- g) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee set forth in Section 13(3) of the Act, a statement setting forth the facts concerning noncompliance and request for waiver of the CE

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requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds, from such affidavit or any other evidence submitted, that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.

- 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable pre-renewal period because of:

- A) Full-time service in the armed forces of the United States of America during a substantial part of the pre-renewal period;
 - B) An incapacitating illness documented by a statement from a currently licensed physician;
 - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
 - D) Any other similar extenuating circumstances.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 1375.225 Unprofessional Conduct

The Department may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action, based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 80 of the Act which is interpreted to include, but is not limited to, the following acts or practices:

- a) Counseling Relationships
 - 1) Practicing, condoning, facilitating or collaborating with any form of discrimination. The counselor should act to prevent and eliminate discrimination against any person or group on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical handicap, or any other preference or personal characteristic, condition or status.
 - 2) Engaging in any action that violates or diminishes the civil or legal rights of clients.
 - 3) Engaging in the sexual exploitation of clients, students or supervisees.
 - 4) Engaging in or condoning sexual harassment that is defined as

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deliberate or repeated comments, gestures or physical contacts of a sexual nature.

- 5) Bringing personal or professional biases into the counseling relationship. Through an awareness of the impact of stereotyping and discrimination (i.e., biases based on age, disability, ethnicity, gender, religion, or sexual preference), counselors guard the individual rights and personal dignity of the client in the counseling relationship.

- 6) Engaging in any type of sexual intimacies with clients. Counselors do not provide counseling services to persons with whom they have had a sexual relationship.

- 7) Engaging in sexual intimacies with former clients prior to two years after termination of the counselor/client relationship.

- 8) Failing to offer all pertinent facts regarding services rendered to the client prior to administration of professional services. The purpose of informed consent is to insure a client's complete access to information pertaining to professional services. Examples include, but are not limited to, fees for services, length of treatment and utilization of consultants. The client's signature indicating receipt of pertinent information is strongly encouraged.

b) Confidentiality

- 1) Failing to inform clients at the onset of the counseling relationship of the limits of confidentiality. These limitations include, but are not limited to: limitations mandated by the law, the clear and immediate danger to oneself or others, when the counselor is a defendant in a civil, criminal or disciplinary action arising from the counseling.

- 2) Revealing facts, data or information relating to a client or examinee, except as allowed under Section 75 of the Act or under the Mental Health and Developmental Disabilities Confidentiality Act or any other federal or State laws pertaining to confidentiality.

- 3) Failing to take appropriate steps to protect the privacy of a client and avoid unnecessary disclosures of confidential information. The right to privacy belongs to clients and may be waived. A written waiver shall be signed by the client and the information revealed shall be in accordance with the terms of the waiver.

c) Scope of Practice/Professional Responsibility

- 1) Performing, or pretending to be able to perform, professional services beyond one's scope of practice and one's competency.

- 2) Failing to refer an individual who the counselor has a relationship with, particularly of an administrative, supervisory and/or evaluative nature, to another counselor for counseling services.

- 3) Failing to inform clients of the use of all experimental methods of treatment; the safety precautions shall be adhered to by the

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counselor.

- 4) Failing to establish and maintain client records.
- 5) Advertising shall not be deceptive, misleading or false. Counselors should claim or imply only professional credentials possessed and are responsible for correcting any misrepresentations of their credentials by others. Professional credentials include highest relevant degrees, accreditation of graduate programs, national voluntary certifications, government-issued certifications or licenses, professional membership, or any other credential that might indicate to the public specialized knowledge or expertise in professional counseling.
- 6) Submission of fraudulent claims for services to any person or entity including, but not limited to, health insurance companies or health service plans or third party payors.
- 7) Knowingly providing services to a client when the counselor's ability to practice is impaired. Causes of impairment may include, but are not limited to, the abuse of mood altering chemicals and physical or mental problems; offering professional services when their personal problems or conflicts are likely to lead to harm to a client or others.

d) Supervision

- 1) Permitting a trainee or intern under his/her supervision or control to perform or permit the trainee or intern to hold himself or herself out as competent to perform professional services beyond the trainee's or intern's level of education, training and/or experience.
- 2) Allowing the trainee to violate the rights of clients, permitting a trainee to violate confidentiality standards and failing to ensure that the client is informed that he/she is being treated by a trainee.

- 3) Participating in any form of sexual contact with supervisees. Dual relationships with supervisees that might impair the supervisor's objectivity and professional judgment should be avoided and/or the supervisory relationship terminated.

- f) Evaluation, Assessment and Interpretation
Different tests demand different levels of competence for administration, scoring and interpretation. Members must recognize the limits of their competence and perform only those functions for which they are prepared. In particular, members using computer-based test interpretations must be trained in the concept being measured and the specific instrument being used prior to using this type of computer application.

- g) Failing to inform prospective research subjects or their authorized representative fully of potential serious after effects of the research or failing to remove the after effects as soon as the design of the research permits.

- h) The Department hereby incorporates by reference "The American

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Counseling Association Code of Ethics and Standards of Practice", April 1995, approved by the American Counseling Association, 5999 Stevenson Avenue, Alexandria, Virginia 22304, with no later amendments or editions.

(Source: Added at 21 Ill. Reg. _____, effective _____)

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Section 1375, APPENDIX I Course Descriptions

The following course content areas are defined and subject areas outlined; however, this is not an all inclusive list and many other courses may fall within each of the core content areas.

- a) Human Growth and Development: Courses in this area cover one or more of the various stages of the human growth cycle and include information about theories of development or about various aspects of development such as personality development, social development, or learning theory. Also included are psychological, sociological, and physiological approaches. Examples of acceptable courses include but are not limited to Developmental Psychology, Child Psychology, Child Development, Adolescent Psychology, Adolescent Development, Personality Theory, Learning Theory, Counseling in the Life Span, Medical Aspects of Disability, Developmental Disabilities, Behavioral Analysis in Rehabilitation.
- b) Counseling Theory: Courses in this area cover the major theories and techniques of counseling and psychotherapy including, but not limited to, rational-emotive therapy, behavior therapy, client-centered counseling, psychodynamic theory, etc. Examples of acceptable courses include, but are not limited to, Counseling Methods, Theories of Counseling, Introduction to Psychotherapy, Methods of Psychotherapy. These courses should be general theory courses; a course devoted to one type of therapy would be a Counseling Techniques core course.
- c) Counseling Techniques: Courses in this area cover the theoretical foundations and professional skill training that enable the helper to understand the client's problems more fully and accurately and to intervene effectively. Examples of acceptable courses include, but are not limited to, Family Counseling, Marital Counseling, Crisis Counseling, Counselor Interviewing Skills, Pre-Practicum in Rehabilitation Counseling, Introduction to Rehabilitation Counseling, Substance Abuse Counseling, Stress Management, etc.
- d) Group Dynamics, Processing and Counseling: Courses in this area teach the theories, principles and techniques of doing counseling or psychotherapy with groups of people. Examples of acceptable courses include, but are not limited to, Group Counseling, Group Therapy, Group Dynamics, Group Process, Theories of Group Practice, etc.
- e) Appraisal of Individuals: Courses in this area cover assessment of the various attributes of a person, including formal measures such as standardized tests as well as informal measures such as observations, interviews, rating scales. Examples of acceptable courses include, but are not limited to, Individual Appraisal, Individual Inventory, Group Testing, Individual Intelligence Testing, Personality

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Assessment, Introduction to Psychological Measurement, Tests and Measurements, Measurement for Guidance, etc.

- f) Research and Evaluation: Courses in this area cover principles, methods, techniques and tools used in performing research in counseling. Examples of acceptable courses include, but are not limited to, Methods of Research, Statistics, Research Design, Research in Counseling, Research Techniques, etc.
- g) Professional, Legal and Ethical Responsibilities, Especially as Related to Illinois Law: Courses in this area introduce the student to the field of counseling, covering such areas as professionalism, legal issues and responsibilities, and ethics. Examples of acceptable courses include, but are not limited to, Ethics and Legal Issues in Counseling, Ethics and Legal Issues in Psychology, Ethics and Legal Issues in Psychotherapy, Ethics and Legal Issues in Rehabilitation Counseling, etc.
- h) Social and Cultural Foundations: Courses in this area cover topics such as aging, ethnicity, women's issues, urban and rural societies, population patterns, cultural mores, and differing life patterns. Culture and social class present significant considerations for counselors when the counseling relationship is different due to socialization acquired in distinct cultural, subcultural, racial-cultural or socioeconomic environments. Examples of acceptable courses include, but are not limited to, Multicultural Counseling, Psychology of Women, Counseling the Aged, Counseling with Special Populations, Social Psychology, Cultural Differences in Counseling (or Psychotherapy), Psychosocial Aspects of Disability, Somatopsychology of Disability, Psychological Aspects of Disability, etc.
- i) Lifestyle and Career Development: Courses in this area cover the lifelong processes and the influences upon them that lead to work values, occupational choices, creation of a career pattern, decision-making style, integration of roles, self- and career-identity and patterns of work adjustment. This area studies concepts about how career development unfolds. Examples of acceptable courses include, but are not limited to, Career Guidance, Career Counseling, Career Development, Career Information, Educational and Occupational Information, Theories of Vocational Choice, Theories of Vocational Counseling, Work Adjustment and Placement, etc.
- j) Practicum: Provides practical experience in counseling for the purpose of developing individual counseling skills and for developing group counseling skills. This course should include a minimum of 100 clock hours on-site, with a minimum of 40 hours of direct client contact. These experiences allow students to perform, on a limited basis, some of the counseling activities that a regularly employed Licensed Clinical Professional Counselor would be expected to perform. This should not be confused with the internship requirement.
- k) Internship: An internship should provide direct client experience in both individual counseling and group work, as well as an opportunity

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for the student to become familiar with a variety of professional activities other than direct service. It should provide an opportunity for a student to perform, under supervision, a variety of activities that a clinical professional counselor would be expected to perform. The internship should include a minimum of 600 clock hours with a minimum of 1 hour per week of individual supervision.

l) Counseling Education: Courses in this area cover an understanding of all aspects of professional functioning including history, roles, organizational structures and credentialing. Examples of acceptable courses include, but are not limited to, The Counseling Profession, Professional Orientation.

m) Counseling Supervision: Courses in this area cover the theory and practice of counselor supervision. Examples of acceptable courses include, but are not limited to, Principles and Practices of Supervision, Seminar in Supervision, Staff Development and Supervision, organization and administration of career counseling programs, administration of student personnel services.

n) Family Dynamics: Courses in this area cover family systems theory and its application, preventive approaches for working with families, specific problems that impede family function. Examples of acceptable courses include, but are not limited to, Introduction to Family Therapy, Societal Trends and Related Treatment Issues, Family Systems Theory, Family Dynamics.

o) Psychopathology and Maladaptive Behavior: Courses in this area cover general principles of etiology, diagnosis, treatment and prevention of mental and emotional disorders and dysfunctional behavior, specific models and methods for assessing mental status, identification of abnormal, deviant or psychopathological behavior and the interpretation of findings in current diagnostic categories. Examples of acceptable courses include, but are not limited to, Abnormal Psychology, Psychopathology, Principles of Psychiatric Rehabilitation, Mental Health Rehabilitation Counseling, Psychosocial Aspects of Disability and Rehabilitation of the Mentally Ill.

p) Substance Abuse: Courses in this area cover chemical, psychological and social treatment aspects of drug use, abuse and dependency, effects on the family, treatment procedures, and diagnostic assessment and intervention skills. Examples of acceptable courses include, but are not limited to, substance abuse counseling, psychology of drug addiction.

q) Counseling Administration: Courses in this area cover theories and models of organizational behavior and consultation that include planning and evaluation of community/higher education programs, theories, models and practice of leadership, organizational Management, and program development, methods of and approaches to organizational change, decision making, and conflict resolution. Courses in this area cover, but are not limited to, Counseling Administration, Administrative Practice in Higher Education.

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(Source: Added, at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Aid to Families with Dependent Children (being changed to Temporary Assistance for Needy Families)

- 2) Code Citation: 89 Ill. Adm. Code 112

<u>Section Numbers:</u>		<u>Proposed Action:</u>
112.1	112.8	112.30 112.52
112.60		Amendment
112.61	112.62	112.63 112.64
112.65	112.67	Repeal
112.68	112.69	Amendment
112.70	112.71	New Section
112.73	112.72	Amendment
112.74		Repeal
112.75		Amendment
112.76	112.77	112.78 112.79 112.80
112.81		Amendment
112.82	112.83	Repeal
112.84	112.85	112.86 112.87 112.88
112.89	112.90	112.91 112.93 112.95
112.98		Repeal
112.101	112.110	112.127
112.128		Amendment
112.130	112.131	112.132 112.133 112.134
112.137	112.140	112.141 112.142 112.143
112.144	112.145	112.147 112.150 112.151
112.152	112.155	112.250 112.251 112.252
112.253	112.254	Amendment
112.255		New Section
112.300	112.302	Amendment
112.303	112.304, 112.305, 112.307	Amendment
112.308		Repeal
112.320	112.330, 112.331	Amendment

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193)

- 5) Complete Description of the Subjects and Issues Involved:

Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. Such a replacement of the AFDC program results in changes to:

1. the grant structure;

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2. the family assistance units;
3. the asset levels for determining eligibility;
4. the treatment of income received by family units;
5. the length of time assistance will be provided;
6. employment and training activities; and
7. the treatment of lump sums.

A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193). The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for tens of thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997.

Federal requirements in the TANF program include a five-year, life-time limit on cash assistance and a requirement that families on cash assistance be in work activities after 24 months on aid. A month in which a parent works while receiving a cash grant would not be counted toward the family's five-year limit.

The TANF plan continues Illinois' successful Work Pays program, which has provided incentives for welfare clients to go to work. Instead of a \$1 reduction in aid for every \$1 earned in gainful employment, Work Pays participants are reduced \$1 for every \$3 of earnings. Since Work Pays was introduced in November 1993, more than 81,000 families have left welfare because of employment, and the number of current clients with jobs each month has jumped by 178 percent to nearly 40,000.

The TANF plan maintains the Targeted Work Initiative, Get a Job, Family Cap and the requirements for teen parents to live at home and remain in school to qualify for cash assistance. The time in which teen parents have their own TANF cases will not count against their five-year limit on cash assistance.

The TANF plan expands the School Attendance Initiative to add middle schools to elementary schools and increases efforts by the State to reduce out-of-wedlock births.

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TANF clients will be permitted to have up to \$3,000 of assets, such as savings, compared to the current level of \$1,000. The increased asset limitation is designed to encourage clients to save money to help them get off welfare. A home, car, household furnishings and clothing are not counted toward the asset limit.

All adults and minor parents on TANF will be required to sign a Responsibility and Services Plan which will address child immunizations, school attendance, family well-being and goals to become economically self-supporting. Clients will face loss of benefits for failing to follow through on the plan, as long as the Department provides the necessary supportive services.

Minor parents under age 18 with no child under the age of 12 weeks may receive assistance only if they have successfully completed high school, have a GED certificate, or are attending school. If these requirements are not met, their children may receive assistance even though the parent does not.

The Department also will conduct assessments of all adults and minor parents on TANF to determine the appropriate placement in work-related activities.

TANF is designed to temporarily provide help while a family moves to self-sufficiency. There are three time limits relevant to the Illinois program:

1. Families whose youngest child is age 13 or more may only receive 24 months of TANF. Any month the grant is decreased due to earnings will not count as one of the 24 months.
2. No family may receive TANF if one or both adults have received 60 months of TANF benefits. All months of TANF benefits are counted against the 60, including those received in other states, and in non-continuous months. State funds will be used to provide assistance to families with earned income and teen parents who are exempt from the live-at-home provision. Therefore, the five-year limit will not apply to these cases.
3. All families must engage in work activities within 24 months or, if earlier, whenever determined able to work.

These time limits, expected to be adequate for families to move to self-sufficiency, are a clear mandate that welfare is not a long term benefit.

Current AFDC families will not be required to file a new application to participate in the Illinois TANF program. This assures an equitable

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transition and provides for uninterrupted assistance payments.

These proposed amendments establish that:

- A. Child only assistance will serve:
1. children living with a relative other than a parent when the relative chooses not to be included in the assistance payment; and
 2. children who meet the citizenship requirements and are living with parents who are not eligible because they are not U.S. citizens or qualified aliens.
- B. Temporary assistance for families will serve families which do not have an employed family member. Families may be composed of:
1. children and no more than two related adults; or
 2. a pregnant woman with no children and her spouse, if living with her.

Families participating in work activities, but not employed, will be included in this component.

- C. Temporary assistance for employed families will serve families which contain at least one employed family member in the assistance payment, whose earnings are considered in determining eligibility and the assistance payment. Families may be composed of:

1. children and no more than two related adults;
2. a pregnant woman with no children and her spouse, if living with her.

Felons and Parole or Probation Violators

This rulemaking also establishes that persons convicted for acts that occur after August 21, 1996 of a Class X or Class 1 felony involving the possession, use or distribution of a controlled substance under Illinois or comparable federal law will not receive payment. Persons convicted for acts that occur after August 21, 1996 of any drug-related felony not listed in subsection (a) of 89 Ill. Adm. Code 112.69, under Illinois or federal law, who are not in treatment or aftercare will be ineligible for two years following the date of the conviction. Persons convicted in state or federal court of misrepresenting an address to receive assistance from programs funded by a federal TANF grant, Title XIX, the Food Stamp Act of 1977, or the Supplemental Security Income program in two or more states will be ineligible to participate in the Illinois TANF program for

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a ten-year period beginning with the date of the conviction. Also, probation, parole violators and fugitive felons will not be eligible.

Family members of the persons ineligible under subsections (a) through (f) of 89 Ill. Adm. Code 112.69 may be eligible, unless the ineligible person is the only child in the family. In considering eligibility and the amount of assistance for such family members, the income and resources of the ineligible person will be considered available to them.

Sanctions

Under TANF, sanctions will be consistent regardless of the reason and the provisions will guarantee fairness with a right to correct the problem. Sanctions will not be applied to a single custodial parent of a child under age 6 if child care is not available because none is available within reasonable distance of the family's home, or informal child care from a relative or elsewhere is not available or not suitable, or appropriate and affordable formal child care arrangements are not available.

Sanctions for failure to cooperate with employment or child support activities will be applied to families participating in TANF. The first instance of non-cooperation will result in the assistance payment being reduced by 50% until the cooperation requirement is satisfied or three months of reduced payments have been issued. If cooperation has not occurred at the end of three months, the entire assistance payment will be discontinued.

The second instance of non-cooperation will result in the assistance payment being reduced by 50% for a minimum of three months. If cooperation has not occurred at the conclusion of three months, the entire assistance payment will be discontinued.

The third and any subsequent instances of non-cooperation will result in the payment being discontinued for a minimum of three months and will not be resumed until cooperation has occurred.

Sanction penalties will accumulate by family, not by person, during any single period of continuous assistance. A loss of all cash assistance due to a sanction will not be considered a break in assistance. If a family member's non-cooperation occurs during a sanction period which was the result of another member's non-cooperation, the next progressive sanction will apply.

Exempt Unearned Income

These proposed amendments exempt:

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- Payments to a member of the Passamaquoddy Indian Tribe, the Penobscot Nation or the Houlton Band of the Maliseet Indians pursuant to the Maine Indian Claims Settlement Act of 1980.
- Up to \$2000 per year of income received by individual Indians, which is derived from leases or other uses of individually-owned trust or restricted lands pursuant to Section 13736 of P.L. 103-66.
- Payments based on disability status in an amount up to the Supplemental Security Income (SSI) payment level for one person with no income. This disregard applies to disability benefits from Social Security (including SSI), Railroad Retirement Disability, Department of Veterans Affairs (100% disability only), and Black Lung.
- Two dollars of every three dollars of excess child support distributed by the child support agency to a family with earnings budgeted.

Lump-Sum Payments

Lump-sum payments that bring a family's countable resources up to the asset disregard level for that family's size will not be counted in determining eligibility. However, that portion of a lump-sum payment that exceeds the amount that brings the family's countable resources up to the asset disregard level for that family's size will be considered as follows:

1. If the amount is less than the assistance payment level, the assistance payment for the month following the receipt of the lump-sum payment will be reduced by that amount.
2. If the amount is greater than the assistance payment level, the following action will be taken based on the specific amount of the lump-sum payment:
 - a. If the amount is \$1000 or less, the family will be ineligible for one month.
 - b. If the amount is more than \$1000, but less than or equal to \$2000, the family will be ineligible for two months.
 - c. One additional month of ineligibility will be added for each \$1000 increment.

Earned Income Exemption

At the time of application for assistance, each employed applicant will be allowed a \$90 deduction from earned income. The remainder, plus all other budgetable income, will be compared to the payment level to determine

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eligibility. For employed recipients, all available income will be compared to the federal poverty level to determine continued eligibility. If eligible, one-third of each individual's earnings and all other budgetable income will be deducted from the family's payment level. The earned income exemption will not apply when determining initial eligibility. If the assistance unit is determined eligible without the earned income exemption, the two-thirds deduction will be applied.

Unavailable Assets

An asset will be considered unavailable if the co-owner refuses to make the asset available or the client is unwilling to avail himself or herself of the asset because the co-owner has engaged in violent activity against a family member in the past.

Exempt Assets

These proposed amendments exempt:

1. one automobile per assistance unit;
2. the value of any savings in which the money accumulated from the earnings of a child; and
3. the value of equipment and inventory needed for a functioning self-employment enterprise or being held in accordance with a responsibility and services plan for the establishment of a self-employment enterprise.

In addition to the exempt assets listed in 89 Ill. Adm. Code 112.151, the Department will disregard up to \$2000 of equity value of other resources for a one-person family and up to \$3000 of equity value of other resources for a two-person family. The asset disregard will increase \$50 for each additional person (for example, \$3050 for a three-person family and \$3100 for a four-person family).

Reporting Requirements for Clients with Earnings

All assistance units which contain a member who is employed or who has lost employment within the last three months must submit a written completed report form to the Department quarterly. The information to be reported will be regarding the assistance unit's income, assets, family composition and other factors pertinent to eligibility for the budget month and any changes in these factors which the unit expects to occur in the current month or in future months.

All units which must report quarterly will have benefits calculated for three months by considering income and attendant circumstances on a

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prospective basis. Earnings will be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for a three-month period.

Clients who experience a decrease in income below the amount anticipated may be eligible for a supplemental payment. A supplemental payment must be requested in writing. Eligibility for a supplemental payment may exist if the gross earned (minus self-employment business expenses, if any) and unearned income (including the assistance payment) received from all sources for the payment month is less than the payment level for an assistance unit of comparable size. If these conditions are met, the amount of supplemental payment the client is eligible to receive, if any, will be determined by adding the gross earned income (minus self-employment business expenses and the two-thirds earned income deduction) and the gross unearned income (including the assistance payment) received in the payment month. This amount is subtracted from the payment level for an assistance unit of comparable size. If the difference is \$10 or more, the client is eligible for a supplemental payment. The supplemental payment for which the client is eligible is the amount of the difference.

Clients who experience an increase in income above the amount anticipated will not be referred for an overpayment based on the increased income.

At intake, actual amount of income received in the Initial Prorated Entitlement (IPE) period will be used to determine the IPE amount. The first regular roll payment amount will be computed using income averaging.

When the completed quarterly report is received, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. If the grant is being reduced or terminated, as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived.

If the Department does not receive the quarterly report or receives only an incomplete report, cash assistance may be terminated. The Department must send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed report on time. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested on or before the date of change or within ten calendar days after the date of notice, whichever is later, assistance will be reinstated to the level of the prior month.

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If a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the entire three-month period will be determined. If eligible, all the applicable earned income disregards will be allowed for the entire three-month period.

If a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the month of receipt and the third month, if applicable, will be determined. Eligibility for a cash payment for the first payment month of the three-month period will not exist. The client will be allowed all the applicable earned income disregards for those months for which eligibility is determined.

All caretaker relatives who are required to file quarterly reports will be notified of their responsibility, receive a complete explanation of the requirements and be informed of the due date for the first report.

Other Provisions

These proposed amendments establish that:

1. A pregnant woman and her spouse (if living together), who would be eligible for TANF when the child is born, may receive assistance as adult or adults only.

2. When an unmarried pregnant woman is receiving or is eligible to receive cash assistance as a child in a TANF case and the child's legal father is not present, the woman is not eligible for cash assistance as an Adult only pregnant woman.

Companion amendments are also being proposed in 89 Ill. Adm. Code 101, 104, 111, 114, 116, 117, 160, 165 and 170.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.352	Amendment	January 17, 1997 (21 Ill. Reg. 797)
112.354	Amendment	January 17, 1997 (21 Ill. Reg. 797)

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10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this Proposed rulemaking: The Department intends to hold public hearings regarding this rulemaking. At this time, however, the Department has not established a schedule of dates for public hearings, meetings, or other opportunities for public participation in this rulemaking. Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
(217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

B) Reporting, bookkeeping or other procedures required for compliance:
None

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C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page

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- 1) Heading of the Part: Assistance Standards
- 2) Code Citation: 89 Ill. Adm. Code 111
- 3) Section Numbers: Proposed Action:
 111.1, 111.10, 111.20, Repeal
 111.30, 111.40, 111.50, Repeal
 111.60, 111.70, 111.80, Repeal
 111.90, 111.101, 111.110 Repeal
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193)
- 5) Complete Description of the Subjects and Issues Involved: Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).
- The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for tens of thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These proposed amendments repeal the Assistance Standards in connection with TANF.
- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data,

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views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62762
Phone: (217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page _____.

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) Section Numbers: Proposed Action:
160.30 Amendment
160.62 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193)

5) Complete Description of the Subjects and Issues Involved: Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for tens of thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These proposed amendments establish sanctions under TANF for failure to cooperate with the Child Support Enforcement Program.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
160.10	Amendment	September 20, 1996 (20 Ill. Reg. 12567)
160.71	New Section	September 20, 1996 (20 Ill. Reg. 12567)

10) Statement of Statewide Policy Objectives: These proposed amendments do

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this Proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
(217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

- B) Reporting, bookkeeping or other procedures required for compliance:
None

- C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments is identical to the text of the

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Emergency Amendments which appear in this issue of the Register on page 8194

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Collections and Recoveries
- 2) Code Citation: 89 Ill. Adm. Code 165
- 3) Section Numbers: Proposed Action:
165.10 Amendment
165.70 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193)

5) Complete Description of the Subjects and Issues Involved: Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for tens of thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These proposed amendments make changes in provisions regarding overpayments in connection with TANF.

- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes
- Sections Proposed Action Illinois Register Citation
165.104 Amendment June 27, 1997 (21 Ill. Reg. 7836)
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62762
Phone: (217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 8195.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Crisis Assistance
- 2) Code Citation: 89 Ill. Adm. Code 116
- 3) Section Numbers: Proposed Action:
116.400 Repeal
116.500 Amendment
116.510 Repeal
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ICS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193)
- 5) Complete Description of the Subjects and Issues Involved: Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for tens of thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These proposed amendments repeal the Emergency Assistance Program and the Crisis Assistance Program and revise Crisis Assistance Payments in connection with TANF.
- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62762
Phone: (217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page

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DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Demonstration Programs2) Code Citation: 89 Ill. Adm. Code 1703) Section Numbers: Proposed Action:

170.10 Repeal
 170.40 Repeal
 170.50 Repeal
 170.250 Repeal
 170.300 Repeal
 170.350 Repeal
 170.360 Repeal
 170.370 Repeal
 170.380 Repeal
 170.390 Repeal
 170.500 Repeal

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193)

5) Complete Description of the Subjects and Issues Involved: Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for tens of thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These proposed amendments repeal some demonstration programs in connection with TANF.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this Proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
 Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Ave. E., 3rd Floor
 Springfield, Illinois 62762
 (Phone: (217) 524-0081)

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

13) Regulatory agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page

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DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Administrative Provisions
- 2) Code Citation: 89 Ill. Adm. Code 101
- 3) Section Numbers:
101.20 Amendment
101.30 Amendment
101.40 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193)
- 5) Complete Description of the Subjects and Issues Involved: Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).
- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this Proposed rulemaking: Any interested parties may submit comments, data,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
(217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: General Assistance

2) Code Citation: 89 Ill. Adm. Code 114

<u>Section Numbers:</u>	<u>Proposed Action:</u>
114.201	Amendment
114.223	Amendment
114.226	Amendment
114.230	Amendment
114.251	Amendment
114.252	Amendment
114.350	Amendment
114.351	Amendment
114.352	Amendment
114.353	Amendment
114.402	Repeal

4. Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193)

5) Complete Description of the Subjects and Issues Involved: Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for tens of thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These proposed amendments revise General Assistance provisions in connection with TANF.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
114.452	Amendment	January 17, 1997 (21 Ill. Reg. 809)
114.454	Amendment	January 17, 1997 (21 Ill. Reg. 809)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62762
(217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page.

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DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Practice in Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 104
- 3) Section Numbers: Proposed Action:
104.1 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193)

5) Complete Description of the Subjects and Issues Involved: Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for tens of thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These proposed amendments make changes in the assistance appeals provisions in connection with TANF.

- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor,
Springfield, Illinois 62762
Phone: (217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 8207.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3) Section Numbers:
117.15 Proposed Action:
117.20 Amendment
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193)

5) Complete Description of the Subjects and Issues Involved: Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for tens of thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These proposed amendments add TANF to replacement of missing warrant provisions.

- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Judy Umhna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
(217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page:

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OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Policy and Procedures Manual for Fire Protection Personnel

- 2) Code Citation: 41 Ill. Adm. Code 140

- 3) Section Numbers: Adopted Action:

140.1	Amendment
140.2	Amendment
140.8	Amendment
140.11	Amendment
140.12	Amendment
140.13	Amendment
140.15	Amendment
140.16	Amendment
140.18	Amendment
140.20	Amendment
140.50	Amendment
140.55	Amendment
140.60	Amendment
140.65	Amendment
140.70	Amendment
140.80	Amendment
140.90	Amendment
140.110	Amendment
140.130	Amendment
140.171	Amendment
140.180	Amendment
140.185	Amendment
140.190	Amendment
140.200	Amendment
140.215	Amendment
140.220	Amendment
140.225	Amendment
140.230	Amendment
140.232	Amendment
140.241	New Section
140.242	New Section
140.243	New Section
140.245	New Section
140.246	New Section
140.430	New Section
140.500	New Section

- 4) Statutory Authority: 50 ILCS 740/8 and 20 ILCS 2910/1 (Ill. Rev. Stat. 1991, ch. 85, par. 538, and ch. 127 1/2, par. 501).

- 5) Effective Date of Amendments: July 1, 1997

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date filed in the Agency's principal office: June 20, 1997
- 9) Notice of Proposal published in the Illinois Register: 20 Ill. Reg. 8116, June 21, 1996.

- 10) Has JCAR issued a statement of Objection to these rules? No

- 11) Differences between proposal and final version: A change was made in the fee for "Special Examinations" from \$75.00 plus expenses to a fee of \$100.00 without additional expenses. A number of stylistic, editorial and typographical changes were made in response to public comments and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this Amendment replace an Emergency Amendment currently in effect? No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and purpose of Amendment: This rulemaking updates standards to conform to current usage and requirements of other agencies (OESA) and adds new training programs to comport with Federal OESA Standards. Provisions have been included for reciprocity and for charging fees.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Glenna Senger
Deputy State Fire Marshal
Division of Personnel Standards and Education
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, Illinois 62703-4259
217/782-2696

The full text of the Adopted Amendment begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 140

POLICY AND PROCEDURES MANUAL
FOR FIRE PROTECTION PERSONNEL

Section	
140.1	Authority Notes
140.2	Definitions
140.3	Applicability of Part 140
140.4	Program Goals (Repealed)
140.8	State Examinations
140.10	Division Responsibilities (Repealed)
140.11	Resources Required for Certification as a Provisionally Approved Training Facility
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140.110	Interim Instructor
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140.150	Fire Service Instructor III
140.160	Fire Service Instructor IV
140.170	Airport Firefighter (Repealed)
140.171	Fire Prevention Officer I
140.180	Public Fire and Life Safety Educator II Fire--Prevention--Education
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140.185	Public Fire and Life Safety Educator III Fire-Prevention-Education
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140.190	Bypass Examination

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140.200	Fire Investigator
140.210	Arson Investigator
140.215	Fire Prevention Inspector II
140.220	Fire Prevention Inspector III
140.225	Hazardous Materials First Responder-Awareness
140.230	Hazardous Materials First Responder-Operations
140.232	Hazardous Materials Technician
140.234	Chemistry of Hazardous Materials
140.236	Hazardous Materials Refresher Training
140.238	Hazardous Materials Incident Command
140.240	Rescue Specialist-Roadway Extrication
140.241	Confined Space/Trench Rescue Awareness
140.242	Rescue Specialist - Confined Space
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140.300	Rules and Regulations for Reimbursement Funding
140.305	Prerequisites for Participation for Reimbursement Funding
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140.380	Prerequisites Necessary to Qualify an Individual for Reimbursement Funding
140.390	Advisory Committees
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140.420	Appeals Process
140.430	Reciprocity
140.500	Fees

AUTHORITY: Implementing and authorized by Sections 8 and 11 of the Illinois Fire Protection Training Act [50 ILCS 740/8 and 11], and the Peace Officer Fire Investigation Act [20 ILCS 2910].

SOURCE: Adopted at 3 Ill. Reg. 37, p. 168, effective September 15, 1979; codified at 5 Ill. Reg. 10681; emergency amendment at 6 Ill. Reg. 7551, effective June 16, 1982, for a maximum of 150 days; emergency expired November 13, 1982; emergency amendment at 6 Ill. Reg. 8474, effective July 1, 1982, for a maximum of 150 days; emergency expired November 27, 1982; amended at 7 Ill. Reg. 2336, effective February 16, 1983; amended at 7 Ill. Reg. 12944, effective September 23, 1983; amended at 10 Ill. Reg. 4231 effective February 20, 1986; amended at 11 Ill. Reg. 17108, effective October 8, 1987; amended at 14 Ill. Reg. 19185, effective November 26, 1990; emergency amendment at 17 Ill. Reg. 11181, effective June 29, 1993, for a maximum of 150 days; emergency expired on

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November 26, 1993; amended at 18 Ill. Reg. 12696, effective August 8, 1994; amended at 21 Ill. Reg. 6296, effective July 1, 1994.

Section 140.1 Authority Notes

The Illinois Fire Protection Training Act [50 ILCS 740] (~~1111~~--Rev--Stat--19857 ~~ch--85-par--531-etr--seq--~~) (the ~~the~~ Act) requires the Office of the State Fire Marshal to establish training programs and to assist the development of training of firefighters throughout the State. Section 1 of the Act requires the Office of the State Fire Marshal, in a Division of Personnel Standards and Education, to have the purpose of:

... encouraging and aiding of municipalities, counties and other local governmental agencies of this State in their efforts to raise the level of local fire protection by upgrading and maintaining a high level of training for fire protection personnel. It is declared to be the responsibility of the Office of the State Fire Marshal to encourage the participation of local governmental units in the programs established by the Office and to aid in the establishment of adequate training facilities.

(Source: Amended at 21 Ill. Reg. 6296 effective July 1, 1994)

Section 140.2 Definitions

Definitions are those which follow, unless the context requires otherwise:

"Accredit" means to supply with credentials or authority; authorize; certify as meeting a prescribed standard.

"Accreditation" means the act of accrediting or the state of being accredited, especially the granting of approval to an institution of learning by an official review board after the school has met specific requirements.

"Act" means the Illinois Fire Protection Training Act.

"Fire Brigade" means an entity, privately owned, possessing those resources necessary for fire suppression in their own premises.

"Fire Department" means an entity, public or private, possessing those resources necessary for fire administration, fire prevention, fire suppression, fire education and arson investigation.

"Fire protection personnel" and "firefighter" mean any person engaged in fire administration, fire prevention, fire suppression, fire education and arson investigation, including any permanently employed trainee or volunteer firefighter, whether or not such person, trainee

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or volunteer is compensated for all or any fraction of his/her time. (Section 2 of the Act)

"Fire Service experience" means a fire suppression training, fire administration, fire investigation or fire prevention experience in a fire department excluding clerical.

"IFSTA" means International Fire Service Training Association, Oklahoma State University, Stillwater, Oklahoma 74074; pamphlet or standard number will appear after the abbreviation and the edition will appear in parentheses. Where standards are incorporated by reference in this part, the incorporated material does not include any later editions or amendments.

"Local governmental agency" means any local governmental unit or municipal corporation in this State.

"Maximum reimbursable funding" means the number of hours for which the office will reimburse for training of an individual; this is in addition to tuition and other fees as later described in these rules.

"Member" means an individual engaged by a fire department or fire brigade to carry out assigned duties, whether or not that person is compensated for all or any fraction of their time.

"NFPA" means National Fire Protection Association, Batterymarch Park, Quincy, Mass. 02269; pamphlet or standard number will appear after the abbreviation and the edition will appear in parentheses. Where standards are incorporated by reference in this part, the incorporated material does not include any later editions or amendments.

"Office" means the Office of the State Fire Marshal.

"School" means any school located within the State of Illinois, whether privately or publicly owned, which offers a course in fire protection training or related subjects and which has been approved by the Office.

"Trainee" means a recruit firefighter required to complete initial minimum basic training requirements at an approved school to be eligible for permanent employment as a firefighter.

(Source: Amended at 21 Ill. Reg. 6296, effective July 1, 1994)

Section 140.8 State Examinations

Except as otherwise noted in this part, all State written examinations will be

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developed, provided, and administered by Office personnel. Local Instructors desiring to schedule state examinations should contact the Office to establish a time and place for the examination. While the Office will endeavor to schedule examinations at sites throughout the State as requested, the number of examination requests may necessitate delays and regional testing.

Instructors requesting the State examinations be given should have facilities for the examination. When large numbers of persons are to be tested, Office personnel may request additional assistance of the facility or fire department in monitoring the administration of a test.

- a) Class rooms, lecture rooms, municipal and fire protection department training rooms shall be acceptable facilities provided that space is available for the number of persons requesting to take the examination; desks or tables and chairs shall be provided by the examination center. The room in which the examination is to be given shall be a room customarily used for quiet activities and not subject to loud noise or other activities nearby which might interfere with the need for a quiet area for taking written examinations. Students must be spaced to ensure that they cannot readily observe another's answer sheet. The following specifications for the facility and the administration of the exam must be adhered to:

- 1) Candidates not present in the room at the time the proctor starts the exam will be disqualified from taking the exam.
- 2) There can be nothing on the walls at test site that could pertain to exam questions.
- 3) Test administrator must be provided a table at least 6 feet in length.
- 4) Loudspeakers, monitors, portable radios and beepers must be turned off.
- 5) The department hosting the test must supply a representative from the department at the test site during the exam. This will be the only representative of the department allowed in the test room at the time of the test.
- 6) Test site must have toilet facilities in proximity in the same building.
- 7) All candidates must be in clear view of the proctor's table.

8) ~~Copies of Emergency Medical Technician (EMT) or Paramedic cards must be supplied prior to the start of the exam or can be mailed to the Division Office the day after exam is given. (See Section 140-60)~~

- 8) ~~9) The test site must have temperature control for comfort of candidates.~~

- b) Passing rate for all written certification examinations will be 70% of the test, overall with the exception of Firefighter II and Firefighter III which requires 70% of each subject.

1) Firefighter II and Firefighter III exams including Hazardous Materials Awareness and Hazardous Materials Operations, respectively, will require 70% overall passing rate for Module C or for the entire exam.

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- 2) Seventy percent pass rate shall also be required of the Hazardous Materials Awareness and Hazardous Materials Operations sections of these exams to qualify for certification.

- c) Examination results will be sent to the individual taking the examination, the chief of the individual's fire department and when applicable, the school which provided training. The Office will maintain these scores and shall use them internally for statistical and/or employment purposes. Otherwise, the Office will not release the examination scores of any individual without the prior written approval of the individual.

- d) State certifications for qualified fire service personnel may be awarded to individuals employed both by local governmental agencies and to State of Illinois employees, after successful completion of all requirements.

- e) Prerequisites. A candidate for Firefighter II certification must be engaged in firefighting in an organized Illinois fire department as a fire protection person or trainee according to the Act as attested to by the Illinois Fire Chief of the individual seeking certification.

- f) Procedure to Request State Administered Certification Exam.

- 1) At least 30 days prior to the anticipated day for testing at a given fire department or school, the Office shall be in receipt of a completed form entitled "Request for Examination", signed by the Fire Chief and the Certified Instructor, which will attest to the fact that each individual has:

- A) A documented learning experience in each of the subject areas of the course required;
- B) Satisfactory scores on all local examinations; and
- C) Demonstrated the proficiency required in each skill requirements for the level of certification by having been observed and evaluated by a Certified Instructor (of the proper level) and an officer of the fire department or his designee in the accomplishment of these skills; and that local records are maintained which contain copies of the evaluator's checklists and evaluation sheets for each individual.

- 2) In the case of State required practical exams, a copy of the evaluator's checklist or Practical Examination Key must be submitted to the Division before certificates will be issued.

- g) No person will be allowed to take the written examination for State certification without having completed all of the above requirements. End-of-subject written examinations of fire departments and community colleges which show satisfactory learning experience requirements.

- h) Persons who have not met all prerequisites listed in subsection (e) of above, will not be examined. Nor will persons who are ill, or obviously under the influence of drugs or alcohol, persons on duty who may be called out during the examination. In making the determination of such impairment, the Office will consider, but is not limited to,

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observation of demeanor, slurred speech, odor of alcohol, general behavior and other considerations that would benefit in making such determination.

- i) The proctor will not be permitted to discuss or answer questions regarding any questions on the examination. No one will be permitted to enter once the examination has started. Students are not permitted to have notes or reference material in their possession, including calculators, and slide rules. The only paper allowed in the test center is a tablet which will be distributed in single sheets by the proctor according to the examination directions. There will be no scheduled breaks during examination. Persons should be advised at the beginning of the examination that no one will be allowed to leave the room before completing the examination except in an emergency, and then only one at a time. The examination begins after the proctor has read the instructions, at which time all discussion will cease. Candidates will not be permitted to speak to each other or to the proctor, and all instructions to the candidates contained in the proctor instructions will be followed. The proctor will begin the examination with the words "you may begin" and the examination will end with the proctor announcing "you are to stop now".
- j) Results of examinations taken for the purpose of State certification will be retained in the individual training record file maintained for each individual in the Office. All participants who receive certification will have notification of successful completion sent to their department.
- k) Re-examination.

- 1) No person shall be re-examined without further documented learning experiences in each of the subject areas.
- 2) The Request for Examination form contains an attestation that proof exists that the individual has had the required additional learning experience before re-examination.
- 3) In the case of failure, individuals must wait 60 days before retaking the State written examination of that level.
- 4) There is no limit set by the Office for the number of times that an individual may take the written or practical portion of a State certification examination.
- 5) The battery of examination to be given will be determined by the Office.

- 1) Practical skill exams required by the Office for Fire Apparatus Engineer, and Hazardous Materials and Rescue Specialist certifications remain valid for 12 months. If an individual has not passed the written exam within 12 months of the practical skills evolutions, the candidate will be required to retake the State practical exam.

- 1) Passing rate of Fire Apparatus Engineer practical exam is 70%.
- 2) Passing rate of all other practical skill examinations shall be 100%.

- 3) After the practical skill examination is completed and scored, the examination answer key and/or the validation and attestation

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sheets shall be sent to the Office for inclusion in the student's file.

- 4) Certification will not be granted until both the State written exam is successfully passed and the answer key for the practical exam is submitted to the Office with passing rate.
- m) State required practical skills evolutions for Firefighter II and III may be administered at any time during the course of training. It is the responsibility of the Certified Instructor to set standards and assure currency of skills.
- n) If firefighters from a given fire department experience excessive or repeated failures of a firefighter examination, the Fire Chief and appropriate officers of the department are encouraged to visit the Division to discuss the department's training program, or may request a field visit for assistance.

(Source: Amended at 21 Ill. Reg. , effective JUL 1 1991)

Section 140.11 Resources Required for Certification as a Provisionally Approved Training Facility

Any installation or facility may, upon submitting an application and an inventory to the Office, be certified as an approved training facility for conducting training as prescribed by the Office of the State Fire Marshal.

- a) The administrator of a training facility may request, in writing, a reevaluation of the facility's level of certification at any time. The Office will cause such a review to be conducted, and, where justified, recertify the facility at the appropriate level.
- b) Facilities at which all of the listed resources are not readily available may be certified as a "Provisional" Facility from the Office for conducting training in those subject areas for which adequate resources are available. There are specific requirements for "Provisional" Facility approval and these are:

- 1) A fire station that serves as a classroom or access to a classroom facility;
- 2) A pumper apparatus equipped in accordance with National Fire Protection Association (NFPA) No. 1901 (1991) (1995) Automotive Fire Apparatus;
- 3) A current set of International Fire Service Training Association (IFSTA) Manuals;
- 4) Improvise to provide all learning experiences required in the "Certified Firefighter II" course; and
- 5) Keep complete approved records based on the Training Records Jacket and Course Approval outline, as specified in Section 140.12(e).

(Source: Amended at 21 Ill. Reg. , effective 6 21 1991)

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Section 140.12 Resources Required for Certification as an Unlimited Training Facility or Regional Training Center

In order to qualify for Unlimited Facility Certification, a training facility center must possess, or have readily available for use, the following facilities, apparatus, equipment, reference material, established records, procedures and staff:

- a) Facilities:
 - 1) Training tower, not less than two stories in height, for use as a training structure for ladder evolutions, rescue drills, hose advancement and rope work;
 - 2) Classroom with adequate environmental control and seating capacity for the anticipated trainee population (not adequate means obvious unsuitability, complaints received and other factors deemed relevant by the Office);
 - 3) Forcible entry and ventilation drill facilities, including a means of providing the trainee an opportunity to practice opening a variety of doors, windows, roofs, floors and partitions that are representative of the type and construction found in the community;
 - 4) A smoke and fire room or building suitable for containing, and equipped for simulating, fire atmospheres and conditions. Any or all of these facilities may be combined into one structure; and
 - 5) Facilities for conducting live fire training (by permission and within restrictions of environmental control agencies) and rescue which must include:
 - A) Structural fires;
 - B) Flammable Liquid fires;
 - C) LP and natural gas fires; and
 - D) Automobile fires.

- b) Apparatus:

Pumper apparatus, fully equipped as prescribed in NFPA No. 1901 (1991) (#9857, "Automotive Fire Apparatus".

- c) Equipment:
 - 1) All current types and classes of portable fire extinguishers;
 - 2) Forcible entry tools such as: pry-axe, pick head axe, pike pole, wrecking bar, hatchet, wire and bolt cutters, claw and Kelly tool, crow bar, Halligan tool, manual and power saws and jacks;
 - 3) Ropes of assorted lengths, which can be used for rescue, rappelling and practicing knots and lashings;
 - 4) All equipment specified by NFPA No. 1901 (1991) (#9857);
 - 5) Salvage and overhaul equipment including covers, carry-alls, cleaning and patching equipment and sprinkler kits;
 - 6) Self-contained breathing equipment in sufficient numbers to enable each student to wear the equipment for at least the life of one canister or breathing air tank during his training;
 - 7) Standard first-aid supplies for the teaching of the Standard American Red Cross first aid course or its equivalent;

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- 8) Slide and/or overhead projector and a 16mm movie projector and screen;
- 9) Standard classroom equipment: chalk board, speaker's rostrum;
- 10) Protective clothing (one full set for each student) including the structural helmet with a face shield. (Students should provide their own clothing while training at a facility other than their duty station); and
- 11) Other instructional aids as may be needed such as, cutaways of equipment, models, flip charts.
- d) Records and Established Procedures:

An established system of records maintenance that includes:

 - 1) Training records which reflect who was trained, objectives of subject taught relating to Instructor Reference Manual, by whom, how, when and where conducted.
 - 2) A system of evaluating the effectiveness of the class, the instructor and all participants including:
 - A) Testing technique utilized; oral, written, practical or combination; and
 - B) Performance appraisal and evaluation: ranking, factor comparison, grading, graphic rating scale, checklist.
 - 3) Individual training records which show when each person began training in each subject area, individual to whom responsible, the objective of his training, intermediate goals, performance criteria, ultimate goal and estimated completion date.
 - 4) Records of training. The Office shall approve training records which contain the following:
 - A) Location of training.
 - B) Dates of training.
 - C) Name of Instructor - printed and signature.
 - D) Name of trainee - printed and signature

of trainee.

E) Academic/practical training record.

F) Subject training record correlated to objectives.

G) Receipts of training expenses.

H) Schools shall document training.

- e) One or more persons who have been certified by the Office as an instructor for the level of training being conducted.

(Source: Amended at 21 Ill. Reg. effective)

Section 140.13 Certificates Earned by Bypass Examination

- a) Certification at the level of Fire Prevention Officer I and Fire Investigator or Arson Investigator may be achieved after successful completion of a "Bypass Examination" in lieu of meeting the prerequisite of Firefighter II or Firefighter III, where required. The use of the Bypass Examination is limited to personnel not

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identified as fire protection sworn personnel. No person employed by a local governmental agency who has current fire suppression responsibilities as a firefighter, fire officer, or fire service instructor shall be able to take a Firefighter Bypass Examination By-Pass-examination.

b) If an individual is assigned to fire department suppression duties they must take and pass the Firefighter II exam before proceeding with advanced certifications.

(Source: Amended at 21 Ill. Reg. 09, effective 09/01/00)

Section 140.15 Course Approval

All organizations, institutions, fire departments, colleges and companies wishing to offer courses leading to certification must submit a "Course Approval Form" to the Office according to the following schedule:

a) Fire Departments:

- 1) Fire departments must submit "Course Approval Form" once each five years. New forms must be submitted if:

- A) A new Fire Chief is employed, or
- B) Additional course or courses are added to the training schedule.

- 2) Forms are due July 1 and must be renewed by December 31 of the fifth year following approval. Approvals not renewed by December 31 will not be approved for that fiscal year. Reimbursement funding and examinations will not be honored until the course approval is renewed the following fiscal year.

- 3) Approvals will be granted on a fiscal year calendar. Fiscal years end on June 30.

b) Colleges, organizations, institutions and companies:

- 1) "Course Approval Form" must be submitted once each five years with accompanying materials:

- A) appropriate course correlation form
- B) syllabi and course content; end-of-course exam; name and credentials of instructor

- C) End-of-course exams, course syllabi and content shall be correlated to the Office established objectives.

- 2) Course approval extension forms may be used for the next four years if no changes are made in previously approved course.

c) Instructor Requirements. Approval will be granted upon proof of the following: experience, education and/or training indicating competence in the technical area to be taught. In making the determination of competency, the Office shall consider, but is not limited to, transcripts, certificates, job descriptions or other evidence of experience and training.

d) Course completion rosters must be submitted to the Office listing individuals who successfully completed course.

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e) The Office reserves the right to monitor and evaluate the delivery of all Approved Courses, including the following requirements:

- 1) provide for records of student attendance (i.e., a minimum of 80 per cent is required), and for student evaluations of the course.

- 2) Maintain all financial records for a minimum of five years after the conclusion of the course.

- 3) The length of time required to retain training records shall be determined by the local government based on their Records Retention schedule, but shall be retained for at least five years for audit purposes.

- 4) Maintain complete student records of course completion and test scores.

- A) If a course involves college credit, the student's transcript is the complete student record.

- B) If a course is non-credit, the delivering agency shall obtain a written student waiver-of-privacy and shall provide complete student records to the Division at the completion of the course.

- 5) Allow Division personnel to observe and monitor all approved courses to assure agreement compliance and compliance with State rules.

f) The Office may revoke course approvals if an agency is found to be in violation of course approval requirements or requirements contained elsewhere in these rules. In determining whether to revoke, the Office shall consider the seriousness or frequency of the offenses.

(Source: Amended at 21 Ill. Reg. 09, effective 09/01/00)

Section 140.16 Examination Procedures for End-of-Course Exams Not Administered by the Office

Certification of personnel, like all levels and subject areas in the State Training and Certification Program, is contingent upon the successful completion of competency-based examinations. Only those courses which conclude with a written examination, or practice teaching examination, where required, will be approved for reimbursement funding. A minimum of fifty ~~where-is-no~~ specific-number-of questions is required at the end of the course. Questions are to be developed by the school authority or teacher. All questions are to be keyed directly to the material contained in the course outline and should be constructed in such a manner as to test the student's knowledge and retention of the material to which the student has been exposed in the course. A seventy ~~70%~~ percent score is required to pass. ~~where-is-no-state-standard~~ objective-examination-for-certification-at-all-levels. School authorities are required to submit end-of-course examinations to the Office for approval, prior to administration. Since the purpose of the written exam is to test retention, open book and other similar exams are not acceptable. The A-minimum-of-eighty ~~80%~~ percent-of-the end-of-course examination must use objective test items.

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(Source: Amended at 21 Ill. Reg. 821.1.2, effective 1/1/94)

Section 140.18 Course Approval Equivalency

Equivalency for an approved course will be granted if the following conditions are met:

- a) Complete course outline with measurable objectives is submitted to the Office for review.
 - 1) These objectives must meet a minimum of 80% of the Office requirements.
 - 2) A checklist of required objectives must be completed by correlating the course with required objectives. The checklist will be prepared by the Office and may be requested by contacting the Office.
- b) Final written and, where applicable, practical exams are submitted to Office for review.
- c) ~~Courses to be approved after January 17, 1994~~ courses may be audited by a member of Division of Personnel Standards and Education staff or person designated by the Office.
- d) If course is approved, completion roster must be submitted with record of attendance (hours).
- e) All Division of Personnel Standards prerequisites are met according to appropriate rulemaking.
- f) When a course or courses are evaluated as equivalent, the individual will be allowed to take the State written and practical exam one time. Failure of either the written or practical exams will invalidate the equivalency evaluation and require the individual to successfully complete the Office approved program prior to taking the State written and practical exam a second time.

(Source: Amended at 21 Ill. Reg. 821.1.2, effective 1/1/94)

Section 140.20 Requirements for Participation

All local governmental agencies and individuals may elect to participate in the training and certification program of the Office, subject to the rules and regulations of the Office. Units of local government and individuals may elect to participate for certification only, or for certification and reimbursement for training expenses as described in the Illinois Fire Protection Training Act [50 ILCS 740].

- a) The local government agency must pass an Ordinance agreeing to participate if reimbursement funding is to be sought.
 - 1) The Office will provide the governing body with a copy of a model Ordinance upon request.
 - 2) For participation for reimbursement funding each local governmental agency must pass an Ordinance requiring trainees to

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be certified at the Firefighter II level by the end of the probationary period. The ordinance must state the length of the probationary period. A certified copy of the required Ordinance must be sent to the Office.

- A) Local governmental agencies under Sections 10-7-7 10-7-7 and 10-2.1-4 10-2.1-4 of the Illinois Municipal Code [65 ILCS 5/10-7-7 and 10-2.1-4]--(111-Rev--Stat--1999--ch--24--pars--10-1-7-and-10-2-104) are limited to probationary periods not to exceed one year for all firefighters except those having paramedic duties.
- B) All local governmental agencies which participate for reimbursement funding and file a certified copy of the required Ordinance shall be eligible for reimbursement funding from the date a certified copy of the Ordinance is received by the Office. Reimbursement funding for trainees and permanent fire protection personnel will be paid only for courses begun after the date of the receipt of the certified copy of Ordinance.
- C) Failure of any trainee to complete such basic training and certification within the required period will render that individual and local governmental agency ineligible for reimbursement funding for basic training for that individual in the fiscal year in which his/her probationary period ends. The individual may later become certified without reimbursement.
- 3) Personnel who are department members prior to the date of the Ordinance are not required by the Office to become certified as Firefighter II but may do so on a voluntary basis. Reimbursement funding is available for such training for three years from the date that a certified copy of the Ordinance is filed with the Office.
- 4) Individuals may receive reimbursement for training costs if employed by a unit of local government which participates for reimbursement funding and the individual is otherwise eligible. Such reimbursement is limited to out-of-pocket expenses not paid or reimbursed, in whole or in part, by a local governmental agency.
- 5) Individuals and departments may participate in all aspects of the programs for certification without passing the Ordinance. The Ordinance is required, however, to qualify an agency to receive reimbursement funding.
- 6) The Board of Police and Fire Commissioners, or the Civil Service Commission, or the local department of personnel or any other department or commission charged with the authority to make rules and regulations concerning Firefighter II certification, must file a copy of their rules which require such certification prior to commencing regular employment as a firefighter with the Office. Any subsequent changes to the rules must be sent to the

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Office.

- b) Facility approval
- 1) A department must have a Provisionally Approved Training Facility to offer Firefighter I and II training. See Section 140.11.
 - 2) A department must have an Unlimited Approved Training Facility to offer Firefighter III training. See Section 140.12.
 - 3) A department must have Unlimited Facility Approval to operate as a regional training center.
 - 4) A department may use the facilities of a regional training center or the Illinois Fire Service Institute for approved firefighter training.
- c) Instructor Certification. See Sections 140.110, 140.130, 140.140, 140.150 and 140.160.
- d) Course Approval. See Section 140.15.

(Source: Amended at 21 Ill. Reg. 021, effective July 1, 2000)

Section 140.50 Certified Firefighter II

The Illinois Firefighter II program meets or exceeds the Firefighter I level identified in NFPA 1001 (1992). The term synonymous with Firefighter II is Operative Firefighter and identifies the expected level of supervision.

- a) Prerequisites. A candidate for Firefighter II certification must be engaged in firefighting in an organized Illinois fire department as a fire protection person or trainee according to the Act as attested to by the Illinois Fire Chief of the individual seeking certification.
- b) Funding hours.
 - 1) A maximum of 450 hours is available for reimbursement funding. The Office will fund this level of training only one time.
 - 2) Individuals whose status is not affected by the passage of the Ordinance required in Section 140.20 (i.e., fire protection personnel who are not required to pass the Firefighter II examination due to the date of passage of the Ordinance) qualify for reimbursement funding three years from the date of the passage of the Ordinance.
- c) No specific requirement in terms of hours of training or fire service experience is required; however, no person may take the State written examination for Firefighter II certification until the appropriately certified Fire Service Instructor and Fire Chief or his designee sign the Request for Examination Form.
- d) Instructor Requirements.
 - 1) This course must be supervised by an instructor who is certified by the Office at the Fire Service Instructor I level. Those portions of the Firefighter II Course that deal with Hazardous Materials shall be taught by an individual meeting the requirements of Section 140.225(c)(3).
 - 2) Departments lacking Instructor I's are urged to apply for the

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Interim Instructor credentials during the first year of involvement in the program.

- 3) ~~Faculty-teaching-in-the-fire-service-program-at-a-community college-or-university-may-be-authorized-to-teach-these-programs in-the-college:~~
 - e) Facility Certification and Delivery Systems.
 - 1) The course will be taught at a facility which is in possession of minimum resources required for a Provisional Facility Certification. See Section 140.11.
 - 2) See Section 140.15 for Course Approval.
 - f) Curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1001 Firefighter Professional Qualifications, 1992 edition. This standard is incorporated by reference and includes no later standards or editions.
- g) Curriculum Subject Headings for Modular courses.
 - 1) MODULE A.
 - A) General/Orientation.
 - B) Fire Behavior.
 - C) Self-Contained Breathing Apparatus.
 - D) Ladders.
 - E) Fire Hose and Appliances.
 - F) Personal Safety.
 - G) Portable Fire Extinguishers.
 - 2) MODULE B.
 - A) Water Supply.
 - B) Nozzles, Fire Streams.
 - C) Ventilation.
 - D) Rescue.
 - E) Emergency Medical Care.
 - F) Forcible Entry.
 - G) Overhaul.
 - H) Building Construction.
 - 3) MODULE C.
 - A) Communications.
 - B) Sprinkler Systems.
 - C) Salvage.
 - D) Fire Prevention, Public Education and Fire Cause.
 - E) Ropes.
 - F) Hazardous Materials Awareness.
- h) Firefighter II can be instructed in a series of modules. Examinations can be taken by module or by taking the complete examination. Hazardous Materials Awareness exams may be taken separately.
- i) Depth of coverage of the subjects listed varies for each firefighter level.
- j) When an individual takes the exam by modules, the passed modules will be kept on file until all modules are passed before certification is granted.

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k) If an individual is training by module, and then enters an Academy or College program which instructs the complete program mode, any previously passed modules cannot be used to exempt any portion of the exam; the complete examination must be taken. If an individual fails the complete examination, he or she may elect to then test using the modular system.

1) When an individual elects to be trained using the modular system, he or she may select any module in any sequence; however, the individual must take the examination after each module. A passing grade on all three modules is required before certification will be granted. See Section 140.8(b)(2).

1) For Certification at Firefighter II, the firefighter shall meet the job performance requirements defined in NFPA 1001, Standard for Firefighter Professional Qualifications (1992 edition), and the requirements defined in Chapter 2. Competencies for the First Responder at the Awareness level of NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents.

2) It will be determined by the fire department when the education and training are to be received by the firefighter candidate.

3) All requirements must be met for each certification level before certificates will be issued. This includes passing State written exams and submission of practical examination keys of the appropriate level.

m) State Certification Practical Skills Examination.

1) Local fire departments or schools are responsible for administering the practical skills examination prepared by the Office.

2) Records and documented proof of such tests must be maintained by the department for audit purposes.

A) Fire Chiefs are to acquire the identified equipment or to improvise where specific equipment is not available in the fire department or the mutual aid area to provide parallel learning experiences.

B) Practical Skill Examinations.

i) All practical skill examinations are supplied by the Division. The examination package consists of the lists of evolutions to be completed and the Practical Examination Key. The evaluation package contains an attestation by the Fire Chief or School Director and Certified Instructor that the tasks have been 100% successfully completed.

ii) The Practical Examination Key and the attestation must be returned to the Division before certification will be issued.

n) State Certification Written Examination. To be certified as a Firefighter II, candidates must take and pass the State examination. (See Section 140.8)

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o) ~~An individual who is in the process of preparing for the Firefighter II examination using the NFPA 1001 (1997) and IFSTA Essentials (2nd ed.) as standards and study materials may opt to test with these standards until January 1, 1995. After January 1, 1995, all standards for Firefighter II will come from the NFPA 1001 (1992). The Office must be notified when an exam is requested if the individual chooses to use the old standards.~~

(Source: Amended at 21 Ill. Reg. 8211, effective 10/1/1997)

Section 140.55 Airport Firefighter

Professional qualifications for Airport Firefighter are identified in the NFPA 1003 (1992), hereby incorporated by reference. The Illinois program does not recognize rank as equivalent to the level of Airport Firefighter. The Office defines the Airport Firefighter as a certified individual who has the required airport fire protection and prevention experience.

a) Prerequisites.

1) Certification as a Firefighter II.

2) Attainment of one year of experience in airport fire protection.

3) Successful completion of the Airport Firefighter 120-hour course, including the skill examination and passage of the State written examination.

4) See Section 140.50(a).

b) Funding Hours.

A maximum of 120 hours is available for reimbursement funding. The Office will fund this level of training only one time. No funding is available for repeat courses.

c) Instructor Requirements. The course is to be taught under auspices of a Certified Fire Service Instructor II who has successfully completed the course and is a Certified Airport Firefighter. The Interim Fire Service Instructor policy (see Section 140.110 Interim Instructor) is applicable to airports seeking to begin training for Airport Firefighter.

d) Facility Certification and Delivery Systems. Educational institutions, fire departments, and fire service organizations desiring to offer the Certified Airport Firefighter program will be required to:

1) File Course Approval Forms. See Section 140.15.

2) Use a facility which possesses the minimum required resources. All delivery systems offering the program must have at least Provisional Facility Certification. See Section 140.11. In addition, the facility must possess:

A) A complete set of the IFSTA Training Manuals.

B) A classroom.

C) An airport firefighting vehicle.

e) Curriculum Subject Headings.

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- 1) Introduction.
- 2) Aircraft Familiarization.
- 3) Airport Familiarization.
- 4) Personnel Safety.
- 5) Firefighting Equipment.
- 6) Firefighting Operations.
- 7) Communications.
- 8) Fire Prevention.
- f) Curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1003 Professional Qualifications for Airport Firefighters, 1992 edition. This standard is incorporated by reference and includes no later standards or editions.
- g) State Certification Practical Skills Examinations. Evaluations of the student's performance of the psychomotor objectives are to be done by independent evaluators, each using identical checklists which have been approved by the Office prior to its administration. Psychomotor skills checklists must be related to IFSTA 206 (1992) requirements to qualify for approval. It is the responsibility of the school, fire department or airport to test the psychomotor behavioral objectives or all personnel as part of the certification testing process. See the Airport Firefighter Instructor Reference Package Study--Guide for certification of Airport Firefighter for skill requirements. Answer keys for Evaluation-sheets-of practical exams must be submitted before certification will be awarded.
- h) State Certification Written Examination. To be certified as an Airport Firefighter, candidates must take and pass the State examination. See Section 140.8.

(Source: Amended at 21 Ill. Reg. 6216, effective 11/1/90)

Section 140.60 Certified Firefighter III

The Office recognizes the Firefighter III level as equivalent to or exceeding the Firefighter II level identified in the NFPA 1001 (1992). The term synonymous with Firefighter III is Journeyman Firefighter and identifies the expected level of supervision.

- a) Prerequisites.
 - 1) Certification as a Firefighter II.
 - 2) See Section 140.50(a).
 - 3) Attainment of three years cumulative fire service experience in a fire department which may include any combination of full-time, paid-on-call, volunteer, and military service (if a person's primary responsibility was fire protection). Proof is required. Job descriptions and personnel records are examples of adequate proof.
 - 4) Documented learning experiences in each of the 20 subject areas

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- outlined in subsection (e) of this Section and contained in the Student Study Guide.
- 5) Documented demonstration of competence in all manipulative skills contained in the Student Study Guide.
- b) Funding Hours. Maximum funding is 450 hours.
- c) Instructor Requirements.
 - 1) This course must be taught under the auspices of an instructor who has been certified by the Office as having met minimum standards for Fire Service Instructor II certification.
 - 2) Fire Service Instructor I persons who have successfully completed portions of the Firefighter III examination may be authorized to teach and complete the required records in each of the subjects of the Firefighter III course which the Fire Service Instructor I has successfully completed.
 - 3) Those portions of the Firefighter III that deal with Hazardous Materials shall be taught by an individual meeting the requirements of Section 140.230(d)(3).
- d) Facility Certification and Delivery System. Educational institutions, fire departments and fire service organizations must:
 - 1) Have access to an Unlimited Training Facility. See Section 140.12.
 - 2) File necessary Course Approval Forms. See Section 140.15.
- e) Curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1001, Firefighter Professional Qualifications, 1992 edition. This standard is incorporated by reference and includes no later standards or editions.
- f) Curriculum Subject Headings for Modular Courses.
 - 1) MODULE A.
 - A) Fire Department Organization.
 - B) Fire Behavior.
 - C) Self-Contained Breathing Apparatus.
 - D) Ladders.
 - E) Fire Hose and Appliances.
 - F) Personal Safety.
 - 2) MODULE B.
 - A) Water Supply.
 - B) Nozzles and Fire Streams.
 - C) Ventilation.
 - D) Rescue.
 - E) Building Construction.
 - F) Emergency Medical Care.
 - G) Overhaul.
 - 3) MODULE C.
 - A) Communications.
 - B) Sprinkler Systems.
 - C) Ropes.
 - D) Fire Prevention, Public Education and Fire Cause.

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- E) Hazardous Materials First Responder Operations.
- g) State Certification Practical Skill Examination.
- 1) Local fire departments or schools are responsible for administering the practical skills examination prepared by the Office. Records and documented proof of such tests must be maintained by the department for audit purposes.
 - 2) Fire Chiefs are to acquire the identified equipment or to improvise where specific equipment is not available in the fire department or the mutual aid area to provide parallel learning experiences.
 - 3) Practical Skill Examinations.
 - A) All practical skill examinations are supplied by the Division. The examination package consists of the lists of evolutions to be completed and the Practical Examination Key. The evaluation package contains an attestation by the Fire Chief or School Director and Certified Instructor that the tasks have been 100% successfully completed.
 - B) The Practical Examination Key and the attestation must be returned to the Division before certification will be issued.
 - h) State Certification Written Examination. To be certified as a Firefighter III, candidates must take and pass the State examination. A Request for Examination must be signed by a Certified Fire Service Instructor II. See Section 140.8.
 - i) Firefighter III can be instructed in a series of modules. Examinations can be taken by module or by taking the complete exam. Hazardous Materials Operations exams may be taken separately.
 - j) Depth of coverage of the subjects listed varies for each firefighter level.
 - k) When an individual takes the exam by modules, the passed modules will be kept on file until all modules are passed before certification is granted.
 - l) If an individual is training by module, and then enters an Academy or College program which instructs the complete program mode, any previously passed modules cannot be used to exempt any portion of the exam; the complete examination must be taken.
 - m) When an individual elects to be trained using the modular system, he or she may select any module in any sequence; however, the individual must take the examination after each module. A passing grade on all modules is required before certification will be granted.
 - 1) For Certification at Firefighter III, the firefighter shall meet the job performance requirements defined in NFPA 1001, Standard for Firefighters Professional Qualifications (1992 edition), and the requirements defined in Chapter 3, Competencies for the First Responder at the Operational level of NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents.
 - 2) It will be determined by the Authority Having Jurisdiction when

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- the education and training are to be received by the firefighter candidate.
- 3) All requirements as listed must be met for each certification level before certificates will be issued. This includes passing State written exams and submission of practical examination keys of the appropriate level.
 - n) Refresher Training.
 - 1) The Certified Firefighter III is considered by the Office to be the senior technical level in the fire suppression career ladder and, therefore, is not required to progress to another level in order to maintain certification. In order to insure that Firefighter III personnel maintain their proficiency, they are encouraged to keep abreast of the state of the art by participating in refresher training. For the purpose of funding, 100 hours of reimbursable time per year will be funded by the Office for refresher training.
 - 2) The training may consist of any or all of the subjects listed in NFPA 1001 and Firefighter III certification. The failure to participate in the annual 60 hours of refresher training does not revoke the individual's certification, since such certification has historically been seen as a personal achievement, and maintenance of the certificate a personal commitment. Refresher training must encompass at least four subject areas annually to claim for funding, with the minimum intent to cover all subject areas at least once each five years.
 - 3) Individuals participating in such refresher training will need to have clearly identified training records. (See Section 140.12(e))
- o) An individual who is in the process of preparing or testing for Firefighter III using the NFPA 1001 (1987) standard may opt to test with this standard until January 17, 1995. After January 17, 1995, all standards for Firefighter III will come from the NFPA 1001 (1992). The officer must be notified when an exam is requested if the individual chooses to use the old standards.
- (Source: Amended at 21 Ill. Reg. _____, effective _____)
- Section 140.65 Certified Fire Apparatus Engineer**
- The Certified Fire Apparatus Engineer course is designed to meet a specialty need within the fire service. The program equals or exceeds the requirements of NFPA 1002, Fire Apparatus Driver/Operator Professional Qualifications, 1993 1992 edition.
- a) Prerequisites.
 - 1) Certification as a Firefighter II.
 - 2) See Section 140.50(a) above.
 - 3) Completion of the Certified Fire Apparatus Engineer course of two modules: pumper operations and apparatus driving 40--student

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contact-hours-(minimum).

- 4) Pass State end-of-course written and practical skill examination.
- 5) Possess the appropriate class of Illinois driver's license in accordance with the Illinois Vehicle Code ~~§11-1-Rev-Stat-1991~~ ~~ch-95-1/27-par-1-100-et-seq-7~~ [625 ILCS 5].
- 6) Application for certification which includes attestation by Fire Chief that all practical driving skills as specified in NFPA 1002 have been taught.
- b) Funding. A maximum of 108 hours is available for reimbursement funding. No funding is available for repeat courses.
- c) Instructor Qualifications. There is no Fire Apparatus Engineer Instructor certification level. Persons planning to offer this program must:
 - 1) Be the Instructor of Record who must be an Instructor II and Certified Fire Apparatus Engineer.
 - 2) Be a Certified Fire-Service-Instructor-II and
 - 2)3) When a department is initiating a Fire Apparatus Engineer program, the initial course may be conducted by a Certified Fire Service Instructor II who is not a Certified Fire Apparatus Engineer. However, the practical skill examination must be conducted by a Certified Fire Apparatus Engineer. The department should contact the Office for the names of Certified Fire Apparatus Engineers who have agreed to conduct practical skill examinations.
- d) Facility Certification and Delivery Systems.
 - 1) Course Approval. (See Section 140.15)
 - 2) The course must be taught at an Unlimited Training Facility. (See Section 140.12)
- e) Curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1002, Fire Apparatus Driver/Operator Professional Qualifications, 1993 1992 edition. This standard is incorporated by reference and includes no later standard or edition.
- f) State Certification Practical Skill Examination.
 - 1) The State state practical skill examinations consist of a series of evolutions covering pumper operations and apparatus driving. Instructors should contact the Office for the practical skill package.
 - 2) All practical skill examinations must be administered by an Instructor II and Certified Fire Apparatus Engineer and observed by two additional persons assigned by the Fire Chief fire-chief.
 - 3) After the practical examination is completed and scored by the Instructor, a copy of the answer key evaluation-checklist must be sent to the Office for inclusion in the student's file before certification will be granted.
- g) State Certification Written Examination. To be certified as a Fire Apparatus Engineer, candidates must take and pass the State

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examination. Firefighter II certification is required before the Fire Apparatus Engineer examination may be taken. Request for exam must be signed by a Fire Service Instructor II who is also a Certified Fire Apparatus Engineer. (See Section 140.8)

(Source: Amended at 21 Ill. Reg. , effective)

Section 140.70 Fire Officer I

The Office recognizes three levels of Fire Officer: Fire Officer I, II, and III. These three levels meet and exceed the four levels of Fire Officer identified in NFPA 1021 (1992), hereby incorporated by reference. The Office does not recognize rank as equivalent to the various levels of Fire Officer. The Office defines the Fire Officer I as an individual having the responsibilities of Company Officer.

a) Prerequisites. Fire Officer I certification is granted to those individuals who have achieved the following:

- 1) Certification as Firefighter III.
- 2) See Section 140.50(a).
- 3) Attainment of three years minimum fire service experience in a fire department.
- 4) Successful completion of the required three-semester credit (40 student-contact hour minimum) courses or equivalent according to Section 140.18 Course Approval Equivalency. A course taken for certification credit of 40 student contact hours (minimum) can only be used for one area of career hierarchy. Individuals must have courses meeting the objectives in NFPA 1021, Fire Officer Professional Qualifications, 1992 edition, hereby incorporated by reference, including no later amendments or editions.
- 5) Experience Requirements.

A) The candidates for Fire Officer I certification must have served a minimum of one year as a Fire Officer I or Fire Officer I trainee. The Office defines a Fire Officer I trainee as a person possessing Firefighter III certification assigned to supervise one or more companies (a company is a crew of fire protection personnel). The Certified Instructor and Fire Chief must document the experience as a Fire Officer I or Fire Officer I trainee.

B) Until such time as the experience requirement is satisfied, the Fire Officer I candidate will receive a certificate attesting to his "Provisional Qualification" as a Fire Officer I. Provisional Qualification can only be given after completion of all required courses. Provisionally qualified status allows the individual to participate in Fire Officer II courses and training. Provisionally qualified status does not certify the individual as a Fire Officer I.

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- b) Funding Hours. A maximum of 324 hours is available for reimbursement funding with no more than 54 hours being allowed for any one of the courses required in subsection 140.70(a)(4) of this Section. Work experience does not qualify for funding. The Office will fund this level of education only one time. A candidate must be certified as a Firefighter III prior to the beginning of Fire Officer I classes to qualify for reimbursement funding.
- c) Equivalent courses. Courses not having prior approval but which correlate with the content areas of required courses and conclude with an evaluation of the individual's retention will be approved for certification purpose only. Fire Officer Applications for certification that request course equivalency evaluation must be accompanied by complete course content or syllabus for the course. College catalog descriptions of a paragraph or less are not sufficient documentation for review.
- 1) Equivalent courses must meet the performance objectives required in NFPA 1021, Fire Officer Professional Qualifications, 1992 edition, Chapters 2 and 3.
 - 2) It is the responsibility of the applicant to provide documentation for the Office to conduct an equivalency evaluation.
 - 3) Course approval Equivalency: See Section 140.18 Course Approval Equivalency. Documentation and proof necessary to establish course equivalency shall include but is not limited to:
 - A) Course titles or transcripts.
 - B) Syllabi and course outlines.
 - C) Test scores or grades.
 - D) College and Institute catalog course descriptions.
 - E) Other supporting material.
 - F) See Section 140.18(f).
 - d) Instructor Requirements. See Section 140.200(d) for instructor approval requirements.
 - e) Facility Certification and Delivery Systems. Educational institutions and fire service organizations desiring to offer the Fire Officer program will be required to receive facility certification. Such certification requires:
 - 1) See Section 140.15 for course approval requirements.
 - 2) See Section 140.16 for end-of-course examination requirements.
 - 3) All courses will be delivered under the auspices of approved institutions which are identified as follows:
 - A) All Fire Officer I and II courses may be delivered by any accredited college or university in Illinois.
 - B) All Fire Officer III courses may be delivered by colleges or universities accredited in Illinois to offer baccalaureate degrees.
 - C) Fire Service organizations may receive approval to deliver specialized courses. Such approval will be granted based on compliance with all applicable rules in this Part, including

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Sections 140.11, 140.12, 140.15, 140.16, and 140.25. These organizations are identified as:

- i) The Illinois Fire Chief's Association (IFCA).
- ii) The Illinois Fire Inspector's Association (IFIA).
- iii) The Illinois Society of Fire Service Instructors (ISFSI).
- iv) The Illinois Firefighter's Association (IFA).
- v) The Associated Firefighters of Illinois (AFFI).
- vi) The Illinois Association of Fire Protection Districts (IAFPD).
- vii) The Illinois Professional Firefighters Association (IPFA).
- viii) The Illinois Fire Service Alliance (IFSA).
- ix) The Illinois Fire Prevention Education Association (IFPEA).

4) All organizations and institutions desiring to offer programs and/or courses will be required to meet all rules and regulations established by the Office regarding curricula, student control, examinations, financial records maintenance and instructor's qualifications, including Sections 140.11, 140.12, 140.15, 140.16 and 140.25.

f) Curriculum shall consist of courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1021, Fire Officer Professional Qualification, 1992 edition. This standard is incorporated by reference and includes no later editions or amendments.

g) State Certification Written Examination - To be certified as a Fire Officer I, one of the following means of examination and evaluation must be successfully passed, with proof of course completion and passing submitted to the Office:

- 1) Written examination administered by the school. Exam must be approved by the Office as meeting the criteria in Sections 140.15 and 140.16.
- 2) Written examination administered by the Office.
- 3) Exams shall be taken either by subject area or entire certification requirements. Request for exam must be submitted to the Office and meet requirements in Section 140.8.

~~Courses taken prior to January 17, 1994, will be evaluated under the prior criteria--(NFPA-1021-----1987--edition)---Courses taken after January 17, 1994, will be evaluated under the current--criteria--(NFPA 1021---1992-edition).~~

(Source: Amended at 21 Ill. Reg. 821, effective 11/1/94)

Section 140.80 Fire Officer II

The Office recognizes three levels of Fire Officer: Fire Officer I, II, and

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III. These three levels meet and exceed the four levels of Fire Officer identified in NFPA 1021 (1992), hereby incorporated by reference. The Office defines Fire Officer II as a person having the responsibilities above Company Officer, but less than the responsibilities of the Fire Administrator, Fire Chief, head of the department, etc. (See Section 140.70)

a) Prerequisites. The candidate seeking Fire Officer II certification must have achieved the following qualifications:

- 1) Certification as a Fire Officer I.
- 2) See Section 140.50(a).
- 3) Five years minimum fire service experience in a fire department.
- 4) Successful completion of the identified 3-semester credit courses (40 student contact hours minimum), or equivalent according to Section 140.18 Course Approval Equivalency. A course taken for certification credit of 40 student contact hours (minimum) can only be used for one area in the career hierarchy. Individual must have courses meeting the objectives in NFPA 1021, Fire Officer Professional Qualifications, 1992 edition, hereby incorporated by reference and includes no later editions or amendments.

5) Experience Requirements.

- A) The candidates for Fire Officer II certification must have served a minimum of one year as a Fire Officer II or a Fire Officer II trainee. The Office defines a Fire Officer II trainee as a person possessing Fire Officer I certification assigned to Fire Officer II duties. The Certified Instructor and Fire Chief must document the experience as a Fire Officer II or Fire Officer II trainee.
- B) Until such time as the experience requirement is met, the Fire Officer II candidate will receive a certificate attesting to his "provisional qualification" as a Fire Officer II. Provisionally qualified status allows the individual to participate in Fire Officer III courses. Provisionally qualified status does not certify the individual as a Fire Officer II. Provisional qualification can only be given after completion of all required courses.
- C) An individual must be a certified Fire Officer I to receive a Provisional Fire Officer II.
 - a) Funding Hours. A maximum of 324 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses with no more than 54 hours being allowed for any one of the courses required in subsection (a)(4) of this Section. Work experience does not qualify for funding. Candidates must be certified as a Fire Officer I or a provisionally qualified Fire Officer I prior to beginning Fire Officer II course to qualify for reimbursement funding.
 - c) Equivalent courses. See Section 140.70(c).
 - d) Instructor Requirements. See Section 140.70(d).
 - e) Facility Certification and Delivery Systems. See Section 140.70 (e).

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f) Curriculum shall consist of courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1021, Fire Officer Professional Qualifications, 1992 edition. This standard is incorporated by reference and includes no later standard or edition.

g) State Certification - To be certified as a Fire Officer II, one of the following means of examination and evaluation must be successfully passed, with proof of course completion and passing submitted to the Office:

- 1) Written examination administered by the school. Exam must be approved by the Office as meeting the criteria in Sections 140.15 and 140.16.
 - 2) Written examination administered by the Office.
 - 3) Exams shall be taken either by subject area or entire certification requirement. Request for exam must be submitted to the Office and meet requirements in Section 140.8.
- ~~Courses taken prior to January 17, 1994, will be evaluated using the criteria in the program prior to January 17, 1994. (NFPA-1021-1987 edition). Courses taken after January 17, 1994, will be evaluated under the current criteria. (NFPA-1021-1992-edition).~~

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 140.90 Fire Officer III

The Office recognizes three levels of Fire Officer: Fire Officer I, II, and III. These three levels meet and exceed the four levels of Fire Officer identified in NFPA 1021 (1992), hereby incorporated by reference. The Office identifies the Fire Officer III as a person who has administrative responsibilities, the authority to affect practices, policies, and procedures of the department, and is, or reports directly to, the chief, chief administrator or head of department.

a) Prerequisites. Fire Officer III certification is granted to those persons who have met the following qualifications:

- 1) Certified as a Fire Officer II.
- 2) Attained ten years minimum fire service experience in a fire department.
- 3) Successful completion of the required courses or equivalent as established by Section 140.18 Course Approval Equivalency, including the following topics:
 - A) Introduction.
 - B) Communications.
 - C) Government Structures and The Political Arena.
 - D) Fire Department Operations and Administration.
 - E) Human Resource Administration.
 - F) Public Fiscal Planning and Administration.
- 4) Experience Requirements.
 - A) The applicant must have current administrative duties to be

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certified. Individuals applying with prior experience shall be evaluated individually. (See Section 140.50(a))

B) Documentation of work experience as a Fire Officer III shall consist of:

- i) completion of a specified office checklist showing completion of work experience related to objectives completed-work-experience-examples.
- ii) the official job description of the applicant.
- iii) an official, legible, definitive department organization chart on fire department letterhead, signed by the Fire Chief or, in the case of the applicant being the Fire Chief, the Supervisor of the Fire Chief (such as Mayor, President of Trustees, or similar official).

C) Until such time as the experience requirement is met, the Fire Officer III candidate will receive a certificate attesting to his "provisional qualification" as a Fire Officer III. Provisionally qualified status does not certify the individual as a Fire Officer III. Provisional qualification can only be given after completion of all formal courses.

D) A person possessing a certificate as a provisional Fire Officer II may take Fire Officer III courses and receive funding for Fire Officer III courses. However, an individual must be certified as a Fire Officer II to receive a provisional Fire Officer III.

b) State Certification Written Examination - To be certified as a Fire Officer III, one of the following means of examination and evaluation must be successfully passed, with proof of course completion and passing submitted to the Office:

- 1) Written examination administered by the school. Exam must be approved by the office as meeting the criteria in Sections 140.15 and 140.16.
- 2) Written examination administered by the Office.
- 3) Exams shall be taken either by subject area or entire certification requirement. Request for exam must be submitted to the Office and meet requirements in Section 140.8.

c) b) Funding hours. A maximum of 400 hours is available for reimbursement funding with no more than 54 hours being allowed for any one of the 6 courses required in subsection(a)(3) of this Section. Work experience does not qualify for funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Officer II or a provisionally qualified Fire Officer II to qualify for reimbursement funding.

d) Equivalent courses. See Section 140.70(c).

e) Instructor Requirements. See Section 140.70(d).

f) Facility Certification and Delivery Systems. See Section 140.70(e).

g) Curriculum shall consist of courses covering knowledge and skill

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objectives and depth of coverage listed in NFPA 1021 (1992). This standard is incorporated by reference and includes no later editions or amendments.

h) g) Refresher training of up to 120 hours may be funded annually. Funding documentation must be proof of completed class, course or seminar that meets the objectives of NFPA 1021 (1992). Funding will not be available for repeat courses. Refresher training must encompass at least three subject areas to claim for funding.

(Source: Amended at 21 Ill. Reg. 0841, effective July 1, 1999)

Section 140.110 Interim Instructor

a) The Interim Instructor is equivalent to the Instructor Candidate identified in NFPA 1041 (1991), hereby incorporated by reference. See Chapter 1 for requirements. The Illinois program does not recognize rank as equivalent to the various levels of Fire Service Instructor. An individual granted temporary (interim) certification is a person who serves as instructor for fire departments without certified instructors; those engaged in training for Fire Service Instructor I certification.

b) Interim Instructor certification will be granted to those individuals who have met the following qualifications:

- 1) are recommended and approved by their Fire Chief or Training Officer;⁷
- 2) have demonstrated an interest and proficiency in instructing;⁷
- 3) have minimum of three (3) years in a fire department.
- 4) agree to conditions stipulated by the Office in conducting training, controlling examinations, maintaining records and submitting reports.
- 5) agree that during this interim period they will complete all requirements for Fire Service Instructor I certification.
- c) Interim Instructor certificates authorize the recipient to teach Firefighter I and II courses to personnel within their own fire department for a period of one year from the date of issue.
- d) An extension of one year will be given to an individual who was not able to attend an Instructor I course in the first year at a time or location which the person would be able to attend consistent with the person's employment. The maximum period for an individual to serve as Interim Instructor interim-instructor is two years.
- e) One interim instructor may be authorized for each fire department.

(Source: Amended at 21 Ill. Reg. 0841, effective July 1, 1999)

Section 140.130 Fire Service Instructor I

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Professional qualifications for Fire Service Instructor I are identified in the NFPA 1041 (1992) †1987†, Chapter 3, hereby incorporated by reference. The Illinois program does not recognize rank as equivalent to the various levels of Fire Service Instructor. The Office defines the Fire Service Instructor I as a certified individual who has successfully completed the required academic program; an instructor in the fire department who is authorized to teach courses in the Firefighter II programs for State certification and to validate training records for these levels. A fire service instructor who has demonstrated the knowledge of and the ability to conduct instruction from prepared material.

a) Prerequisites. Fire Service Instructor I is granted to those individuals who have met the following qualifications:

- 1) Certification as a Firefighter II.
- 2) Attainment of three years of documented cumulative fire service experience in a fire department.
- 3) Successful completion of a course with a minimum of 40 hours in instructional techniques equivalent to NFPA 1041 (1992), Chapter 2, or State Teacher's Certification Board, State of Illinois Teacher's Certificate. Such certificate will be accepted only for certification for Fire Service Instructor, if all other certification requirements are met. Copy of Teacher's Certificate must be submitted with application for certification.
- 4) See Section subsection 140.50(a) above.
- 5) Funding hours. A maximum of 54 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Firefighter II to qualify for reimbursement funding.

c) Instructor Requirements.

- 1) Course must be taught under auspices of an instructor †instructor who is recognized and approved by an educational institution or major fire service organization which has the approval of the Office. The Instructor qualifications are flexible in that no specific discipline is required of the person employed to teach the Instructor course.
- 2) It is strongly recommended that fire protection personnel not be authorized as instructors for this course unless the fire service personnel have been previously recognized by the institution offering the course and the Office as an educator qualified to teach others how to teach.
- d) Facility Certification and Delivery Systems. Educational institutions and fire service organizations desiring to offer the Fire Service Instructor program will be required to receive facility certification. Such certification requires:
 - 1) See Section 140.15 for course approval requirements.
 - 2) See Section 140.16 for end-of-course written examination requirements.
 - 3) A practice teaching evaluation system for Fire Service Instructor I and Fire Service Instructor II must be approved by the Office.

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This system must contain at least one practice teaching evaluation to be conducted by two or more evaluators. All evaluators will utilize a checklist, approved by the Office, to independently evaluate the candidates performance.

4) Fire Service Instructor courses will be delivered under the auspices of approved institutions identified as follows:

- A) All Fire Service Instructor I, II and III courses may be delivered by any accredited college or university in Illinois.
- B) All Fire Service Instructor IV courses may be delivered by colleges or universities accredited in Illinois to offer baccalaureate degrees.
- C) Fire service organizations may receive approval to deliver specialized courses. The organizations are identified as:
 - i) The Illinois Fire Chief's Association (IFCA).
 - ii) The Illinois Fire Inspector's Association (IFIA).
 - iii) The Illinois Society of Fire Service Instructors (ISFSI).
 - iv) The Illinois Firefighter's Association (IFA).
 - v) The Associated Firefighters of Illinois (AFFI).
 - vi) The Illinois Association of Fire Protection Districts (IAPFD).
 - vii) The Illinois Professional Firefighter's Association (IPFA).
 - viii) The Illinois Fire Service Alliance (IFSA).
 - ix) The Illinois Fire Prevention Education Association (IFPEA).

5) All organizations and institutions desiring to offer programs and/or courses will be required to meet all rules and regulations established by the Office regarding curricula, student control, examinations, financial records maintenance and instructor's qualifications (see See Section 140.25).

e) Curriculum shall consist of course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1041, Chapter 2. This standard is incorporated by reference and includes no later editions or amendments.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 140.171 Fire Prevention Officer ‡

Professional qualifications for Fire Prevention Officer ‡, except Firefighter qualifications, are identified in the NFPA 1031, 1033, 1035 (1993) †1987†, hereby incorporated by reference, including no later amendments or editions. The Office defines the Fire Prevention Officer ‡ as a person serving in a fire department or allied agency whose primary duties are inspections of a variety of structures, reporting inspection results of fire safety conditions,

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conducting basic fire investigation, and performing basic fire prevention education activities. The term synonymous with Fire Prevention Officer is Technical Specialist.

- a) Prerequisites. Fire Prevention Officer is certification is granted to those individuals who have met the following qualifications:

1) Certification as a Firefighter III or successfully completing the Firefighter Bypass Examination examination. Entrances into this program through the Bypass Examination examination is limited to:

- A) Office personnel.
B) Persons employed by fire departments and fire protection districts in fire prevention areas who are prohibited from work in fire suppression.

2) Attainment of three years cumulative fire service experience which must include one year of experience in fire prevention.

3) Successful completion of the Office approved Fire Prevention Officer course or provide proof of equivalent courses.

4) Successful completion of the State Fire Prevention Officer is Firefighter II certification or successful completion of the Bypass Examination examination.

- b) Funding Hours. A maximum of 162 300 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Firefighter II or have successfully completed the Firefighter Bypass Examination examination to qualify for reimbursement funding.

c) Equivalent courses.

1) See Section 140.18 Course Approval Equivalency.

2) See Section 140.70(c) for requirements.

3) Equivalent course must meet the performance objectives in NFPA 1031, 1033, and 1035 (1993) hereby incorporated by reference.

4) When courses are evaluated as equivalent, the individual will be allowed to take the State written examination one time. Failure of the State written examination will invalidate the equivalency evaluation and require the individual to successfully complete the Fire Prevention Officer program prior to taking the State written examination a second time.

5) Equivalent courses are not eligible for reimbursement.

- d) Instructor Requirements. The Fire Prevention Officer program must be taught under the auspices of instructors who are recognized and approved by an educational institution and/or fire service organization which has the approval of the Office. The instructor qualifications are flexible in that no specific discipline or degree is required.

e) Facility Certification and Delivery Systems. Educational institutions and fire service organizations desiring to offer the Fire Prevention Officer program will be required to receive facility certification. Such certification requires:

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1) See Section 140.15 for Course Approval requirements.

2) See Section 140.8 for State written examination requirements.

3) See Section 140.16 for End-of-Course examination requirements.

4) All courses will be delivered under the auspices of approved institutions identified as follows:

- A) Fire Prevention Officer I, Public Fire and Life Safety Educator II, Fire-Prevention-Education-Officer-III and Fire Prevention Inspector II, Public Fire and Life Safety Educator III and Fire Inspector III courses may be delivered by any accredited college or university in Illinois.

B) Fire-Prevention-Education-Officer-III and Fire-Prevention-Inspector-III courses may be delivered by colleges or universities accredited in Illinois to offer baccalaureate degrees.

C) Fire service organizations may receive approval to deliver specialized courses. The organizations are identified as:

- i) The Illinois Fire Chief's Association (IFCA).
ii) The Illinois Fire Inspector's Association (IFIA).
iii) The Illinois Society of Fire Service Instructors (ISFSI).
iv) The Illinois Firefighter's Association (IFA).
v) The Associated Firefighters of Illinois (AFFI).
vi) The Illinois Association of Fire Protection Districts (IAFPD).
vii) The Illinois Professional Firefighters Association (IPFA).
viii) The Illinois Fire Service Alliance (IFSA).
ix) The Illinois Fire Prevention Education Association (IFPEA).

5) All organizations and institutions desiring to offer programs and/or courses will be required to meet all rules and regulations established by the Office regarding curricula, student control, examinations, financial records maintenance and instructor's qualifications.

f) Curriculum shall consist of course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1031, Professional Qualifications for Fire Inspector (1993) (1987), NFPA 1033 Professional Qualifications for Fire Investigator (1993) (1987), and NFPA 1035 Professional Qualifications for Public Fire Educator (1993) (1987).

g) State Certification Written Examination. To be certified as a Fire Prevention Officer I, candidates must take and pass the State examination. (See Section 140.8)

(Source: Amended at 21 Ill. Reg. effective 10/1/1997)

Section 140.180 Public Fire and Life Safety Educator II Fire-Prevention

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Education-Officer-III

Professional qualifications for Public Fire and Life Safety Educator III Fire Prevention-Officer-III are identified in the NFPA 1035 (1993 1987), hereby incorporated by reference. The Office defines the Public Fire and Life Safety Educator III Fire-Prevention-Education-Officer-III as an individual serving in a fire department or allied agency with primary responsibility for the development and dissemination of fire prevention education materials and programs.

a) Prerequisites. Public Fire and Life Safety Educator II Fire Prevention-Education-Officer-III certification is granted to those individuals who have achieved the following:

- 1) Certification as a Fire Prevention Officer I.
- 2) Attainment of three years of documented fire prevention experience.
- 3) Successful completion of course or courses meeting the objectives in NFPA 1035 (1993 1987), Chapter 4. This standard is incorporated by reference and includes no later editions or amendments.
- b) Funding Hours. A maximum of 80 270 hours is available for reimbursement funding, with-no-more-than-54-hours-for-each-of-the-5 courses-required-in-subsection-(a)(3)-of-this-Section. The Office will fund this level of education only one time. Candidates must be certified as a Fire Prevention Officer I to qualify for reimbursement funding.
- c) Equivalent courses. (See Section 140.70(c) and Section 140.18 Course Approval Equivalency for requirements)
- d) Instructor Requirements. (See Section 140.171(d))
- e) Facility Certification and Delivery Systems. See Section 140.171(e).
- f) The curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1035, Professional Qualifications for Public Fire Educator (1993 1987), Chapter 4.

(Source: Amended at 21 Ill. Reg. 8243, effective 11/1/90)

Section 140.185 Public Fire and Life Safety Educator III Fire-Prevention Education-Officer-III

Professional qualifications for Public Fire and Life Safety Educator III Fire Prevention-Education-Officer-III are identified in NFPA 1035 (1993 1987), Chapter 5, hereby incorporated by reference. The Office defines the Public Fire and Life Safety Educator III Fire-Prevention-Education-Officer-III as a person serving in a fire department or allied agency assigned supervisory and administrative responsibilities within a public fire education program.

a) Prerequisites. Public Fire and Life Safety Educator III Fire Prevention-Education-Officer-III certification is granted to those

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individuals who have met the following qualifications:

- 1) Certification as a Public Fire and Life Safety Educator II Fire Prevention-Education-Officer-III.
- 2) Attainment of five years of documented fire prevention experience with two years in fire education.
- 3) Successful completion of the course or courses required for Public Fire and Life Safety Educator III Fire-Officer-III certification meeting the objectives in NFPA 1035 (1993), Chapter 5, or--provide--proof--of--equivalent--courses---(See---Section 140-90(a)(3)-and-Section-140-18-Course-Approval-Equivalency)
- b) Funding Hours. A maximum of 80 400 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Public Fire and Life Safety Educator II Fire-Prevention-Education-Officer-III prior to taking these courses to qualify for reimbursement funding, 7-with-no-more-than-54-hours-being-allowed-for-any-one-of--the--6--required--courses---in-Section 140-105(a)(3)-
- c) Equivalent Courses. (See Section 140.70(c) and Section 140.18 Course Approval Equivalency for requirements)
- d) Instructor Requirements. (See Section 140.171(d))
- e) Facility Certification and Delivery Systems. (See Section 140.171(e))
- f) The curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1035, Professional Qualifications for Public Fire and Life Safety Educator (1993), Chapter 5. Curriculum--Subject--Headings---(See---Section 140-90(a)(3)-

(Source: Amended at 21 Ill. Reg. 8243, effective 11/1/90)

Section 140.190 Bypass Examination

- a) This examination is provided for special fire and police personnel and allied field agencies who are charged with duties governing fire prevention, fire inspection, fire investigation, and arson investigation, but who do not have, or will not be assigned fire suppression duties and/or responsibilities. Recognition of this condition in the State Training and Certification Program is accomplished through the implementation of the Bypass Examination. Firefighter Bypass Examination is limited to personnel identified as fire protection non-sworn personnel and the law enforcement personnel seeking Arson Investigator certification. This examination does not provide State state certification as a Firefighter, but provides a method for individuals who have not received Firefighter II certification to participate in the Fire Prevention Officer I, Fire Investigator, and Arson Investigator programs for certification and funding by the Office.

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- b) Examination Procedures
- 1) All State ~~state~~ written examinations will be given by the Office of the State Fire Marshal.
 - 2) At least 30 days prior to the anticipated day for testing, the Fire or Police Chief will submit to the Office of the State Fire Marshal a "Request for Examination" form. The Office of the State Fire Marshal will endeavor to schedule examinations throughout the State as requested.
 - c) The Bypass Examination will consist of multiple-choice items in the following subject areas:
 - 1) Fire Behavior
 - 2) Portable Fire Extinguishers
 - 3) ~~Self-Contained-Breathing-Apparatus-(SCBA)~~
 - 3)4) Personal Safety
 - 4)5) Water Supply
 - 5)6) Building Construction ~~Forcible-Entry~~
 - 6)7) Communications ~~Overhaul~~
 - 8) Ventilation
 - 7)9) Sprinkler Systems
 - 8)0) Fire Inspections
 - 11) Fire-Cause-and-Origin
 - 12) Hazardous-Materials
 - d) Individuals choosing to take this examination must:
 - 1) Sign the Request for Examination form submitted to the Office of the State Fire Marshal by the respective Chief.
 - 2) Plan to enter into the training program for Fire Prevention Officer I, or Fire Investigator or Arson Investigator.
 - e) No funding is provided for salary, travel, lodging or other expenses associated with the study for or the taking of this examination.

(Source: Amended at 21 Ill. Reg. 0010, effective _____)

Section 140.200 Fire Investigator

The Illinois program does not recognize rank as equivalent to the various levels of Fire Investigator because it is not possible to insure that every rank used by local fire departments or allied field agencies to identify persons serving as Fire Investigators would be consistent throughout the State. The Office of the State Fire Marshal defines Fire Investigator as an individual, serving in an agency or a fire department, specifically responsible for the investigation of fire incidents. The term synonymous with Fire Investigator is Technical Specialist.

- a) Prerequisites for Certification as Fire Investigator. Individuals wishing to be certified as a Fire Investigator must:
- 1) be a Certified Firefighter II (see Section 140.50), or successfully complete the Bypass Examination (see Section 140.190).

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- 2) successfully complete the Fire Investigator course consisting of three Modules, or Modules I & II and the Arson Investigator Course (see Section 140.210).
- b) Funding Hours. A maximum of 120 hours is available for reimbursement funding. All programs can be funded only one time. No funding is available for repeat courses. All persons for whom reimbursement is sought must be Certified as a Firefighter II or above or have successfully completed the Bypass Examination prior to commencement of the program's courses, and must be employed as fire protection personnel by a participating local governmental agency.
- c) Curriculum. The Fire Investigator course is based upon three modules. Modules I and II must be taken consecutively. Module III is designed for those persons who do not intend to take the Arson Investigator Course. Topics of the course and outline are contained in the book entitled Fire Arson Investigation published by the Illinois Fire Service Institute, University of Illinois, Urbana, Illinois 61801, in cooperation with the Illinois Office of the State Fire Marshal, the University of Illinois Police Training Institute and the Illinois Local Government Law Enforcement Officer's Training Board (1996 1998) or the Office of the State Fire Marshal, Division of Personnel Standards and Education, approved course.
- d) Instructor Requirements. (See Section 140.15(c)) Because of the specialty topics in this course, it shall be required that knowledgeable instructors in each special topic be utilized to teach in their area of expertise. ~~Approval will be granted upon proof of the following: experience, education, and/or training, indicating competence in the technical area to be taught; in making the determination of competency, the office shall consider, but is not limited to, transcripts, certificates, job descriptions, or other evidence of experience and training.~~
- e) Facility Certification and Delivery Systems.
 - 1) Courses will be approved if they meet all rules and regulations established by the Office of the State Fire Marshal regarding curricula, student control, examinations, financial records maintenance and instructor qualifications and have the physical resources necessary for the course.
 - 2) Due to the sensitive nature of the material, no approval for course or facilities will be given if the course is offered to persons other than fire or allied field agencies.
- f) State Certification Written Examination - See Section 140.70(g). ~~Examination Procedures and Standards. Only those courses which conclude with a written examination will be approved for reimbursement funding. There is no specific number of questions required at the end of the course. Questions are to be developed by the school authority or teacher. All questions are to be keyed directly to the material contained in the course outline and should be constructed in such a manner as to test the student's knowledge and retention of the material to which the student has been exposed in the course.~~

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seventy--(70%)--percent--score-is-required-to-pass--There-is-no-state standardized-objective-cognitive-examination-for-certification-at this-level---School-authorities-are-required-to-submit-end-of-course examinations-to-the-Office-for-approval-prior-to-administration. Since-the-purpose-of-the-written-exam-is-to-test-retention-open-book and-other-similar-exams-are-not-acceptable---A-minimum-of-eighty-(80%) percent-of-the-end-of-course-examination-must-use-objective--test items:

- g) Fire Investigator Equivalent Courses - See Section 140.18.
Successful-completion-of-one-of-the-following-equivalencies:
- 1) 40-hour-Basic-Arson-Investigator-Course-and-40-hour-Advanced Arson-Investigator-Course-sponsored-jointly-by-the-Officer Illinois-Department-of-Law-Enforcement-Fire-Service-Institute and-the-Police-Training-Institute;
 - 2) National-Fire-Academy-Fire-Arson-Investigator-course-of-at-least 96-hours-prior-to-October-17-1984;
 - 3) National-Fire-Academy-Fire-Arson-Investigator-course-of-60-hours after-October-17-1984-and-Module-III-offered-by-Fire-Service Institute;

Only--persons-who-meet-these-equivalencies-and-who-meet-the-requirements-of subsection(f)(1) may-apply-for-certification-under-this-subsection:

(Source: Amended at 21 Ill. Reg. 0211, effective 11/1/90)

Section 140.215 Fire Prevention Inspector II

Professional qualifications for Fire Prevention Inspector II are identified in the NFPA 1031 (1993), hereby incorporated by reference and containing no later amendments or editions. The Office defines the Fire Prevention Inspector II as a person serving in a fire department or allied agency assigned fire inspection and supervisory responsibilities. The term synonymous with Fire Prevention Inspector II is Senior Technician.

- a) Prerequisites. Fire Prevention Inspector II certification is granted to those individuals who have met the following qualifications:
- 1) Fire Prevention Officer I certification.
 - 2) Attainment of three years of documented experience in fire inspection.

- 3) Successful completion of a course or courses meeting the objectives specified in NFPA 1031 (1993 1987), Chapter 4.
- 4) Successful completion of the State Written examination on Technical-Factors-I-and-II.
- 5) Prerequisite for taking Inspector II Examination is successful completion of Fire Prevention Officer I State state written examination.

- b) Funding Hours. A maximum of 80 270 hours is available for reimbursement funding with-no-more-than--54--hours--allowed--for--each course--required-in-140-215(a)(3). The Office will fund this level of

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education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Prevention Officer I to qualify for reimbursement funding.

- c) Equivalent Courses. 1) See Sections Section 140.18 and 140.70(c) for requirements.

- 2) When-an-individual-is-awarded-equivalency-credit--for--Technical-Factors-I-and-II--the-individual-will-be-allowed-to-take-the State-written-examination-one-time--Failure-of-the-State-written examination--will--invalidate--the--equivalency--evaluation--for Technical-Factors-I-and-II--and--require--the--individual--to successfully-complete--both--courses--prior--to-taking-the-State written-examination-a-second-time

- d) Instructor Requirements. See Section 140.15(c).

- 1) For-Fire-Service-Instructor-II-Management-III-and-Management-IV See-Section-140.171-(d);

- 2) For-Technical-Factors-I-and-II-an-Instructor-

- A) Must-be-certified-as-both-a-Fire-Service-Instructor-II-and-a Fire-Prevention-Officer-I;

- B) Or-must-obtain-the-approval-of--both--the--Office--and--the Illinois-Fire-Inspector's-Association--This-approval-will-be granted--to--legal-and-technical-specialists-on-the-basis-of credentials-review

- e) Facility Certification and Delivery Systems. See Section 140.171 (e).

- f) The curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1031 (1993 1987), Chapter 4.

- g) State Certification Written Examination.

- 1) To be certified as a Fire Prevention Inspector II, candidates must take and pass the State examination on-Technical-Factors-I-and-II. See Section 140.8.

- 2) Certification as a Fire Prevention Officer I is a prerequisite to taking the written examination.

(Source: Amended at 21 Ill. Reg. 0211, effective 11/1/90)

Section 140.220 Fire Prevention Inspector III

Professional qualifications for Fire Prevention Inspector III are identified in the NFPA 1031 (1993 1987), Chapter 5, hereby incorporated by reference. The Office defines the Fire Prevention Inspector III as a person serving in a fire department or allied agency assigned primarily supervisory and administrative responsibilities within a fire prevention bureau.

- a) Prerequisites. Fire Prevention Inspector III certification is granted to those individuals who have met the following qualifications:

- 1) Certification as a Fire Prevention Inspector II.
- 2) Attainment of five years of documented experience in fire inspection.

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- 3) Successful completion of the courses required for Inspector III Fire-Officers-III or provide-proof-of-equivalent-courses. (See Section-140.90(a)(3) and Section-140.10-Course-Approval-Equivalency)
- b) Funding Hours. A maximum of 80 480 hours is available for reimbursement funding with no more than 54 hours allowed for any one of the 6 courses in Section 140.90(a)(3). The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Prevention Inspector II to qualify for reimbursement funding.
- c) Equivalent Courses. (See Section 140.70(c) for requirements)
- d) Instructor Requirements. (See Sections Section 140.171(d) and 140.200)
- e) Facility Certification and Delivery Systems. (See Section 140.171 (e))
- f) The curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1031, Professional Qualifications for Fire Inspector (1993), Chapter 5. Curriculum-Subject-Headings-See-Section-140.99(f)

(Source: Amended at 21 Ill. Reg. 0218, effective _____)

Section 140.225 Hazardous Materials First Responder-Awareness

- a) Hazardous Materials First Responder-Awareness personnel are fire personnel trained to the level of awareness as defined in 29 CFR 1910.120 (1990) or the United States Environmental Protection Agency (EPA), 40 CFR 311 (1990), whichever is appropriate for their jurisdiction.
- b) Fire protection personnel at this level of certification are persons who are likely to witness or discover a hazardous substance release or potential release and who have been trained to initiate an emergency response sequence by notifying the proper authorities (local, State, federal, or private resources) of the release.
- c) Professional qualifications for Hazardous Materials First Responder-Awareness are identified in NFPA 472 (1992) Standard for Professional Competence of Responders to Hazardous Materials Incidents, hereby incorporated by reference and containing no later standards or reference.
- 1) Prerequisites - Hazardous Materials First Responder-Awareness Certification is granted to those persons who have met the following qualifications:
- A) Certification as a Firefighter II.
- B) Successful completion of a course consisting of First Responder Awareness meeting NFPA 472 (1992), including passage of local testing including practical and State written exam.

- 6) Prerequisite-for-taking-the-State-written-exam-is Firefighter-III-certification

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- C)B) See Section 140.50(a).
- D) See Section 140.50(l)(1).
- 2) Funding. A maximum of 16 hours is available for reimbursement funding. The Office will fund this level of training only one time.
- 3) Instructor Requirements. Certified Fire Service Instructor I who has been certified at any level of Hazardous Materials and Certified-Hazardous-Materials-First-Responder-Awareness.
- 4) Facility Certification and delivery system. Educational institutions and fire departments desiring to offer the Hazardous Materials First Responder-Awareness program will be required to:
- A) File Course Approval forms. See Section 140.15.
- B) Use a facility which has a classroom and the equipment needed to complete the Student Performance Objectives.
- 5) State Certification Written Examination. To be certified in Hazardous Materials First Responder-Awareness, candidates must supply proof of passage (class completion roster, transcript or certificate) or locally administered written and practical exams and pass the State written examination. See Section 140.8.
- 6) State Certification Practical Skills Examination.
- A) The State practical skill examination consists of a series of evolutions determined from NFPA 472, contained in a document published by the Office of the State Fire Marshal, Division of Personnel Standards and Education, entitled Practical Skill Examination for Hazardous Materials First Responder-Awareness. The Instructor should contact the Office for this practical skill examination.
- B) After the practical examination is completed and scored by the Instructor, a copy of the evaluation checklist must be sent to the Office for inclusion in the student's file. Certificates are held until practical exam scores are submitted.
- 7) Objectives for Hazardous Materials First Responder-Awareness are identical to Objectives for Awareness in Firefighter II.
- 8) Refresher Training - Awareness Level.
- A) Refresher training should be accomplished on a minimum of an annual basis to insure that the employer can certify that the Awareness Level Responders meet CFR 1910.120 (1993) and the guidelines of the Office of the State Fire Marshal for First Responder Awareness Level training. The training should include identification of hazardous materials, local response plans, and other areas as directed by the employer.
- B) Funding for refresher training is covered under Section 140.236 Hazardous Materials Refresher Training.

(Source: Amended at 21 Ill. Reg. 0218, effective _____)

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Section 140.230 Hazardous Materials First Responder-Operations

- a) First responders, for the purpose of this level of certification, are fire protection personnel trained to the levels of "First Responder Awareness" and "First Responder Operations" as defined in 29 CFR 1910.120. First Responders shall be trained to meet requirements of the United States Department of Labor, Occupational Safety and Health Administration (OSHA), 29 CFR 1910.120 (1990) or the United States Environmental Protection Agency (EPA), 40 CFR 311 (1990), whichever is appropriate for their jurisdiction.
- b) Fire protection personnel at this level of certification are both:
 - 1) Persons who are likely to witness or discover a hazardous substance release or potential release and who have been trained to initiate an emergency response sequence by notifying the proper authorities (local, State, federal, or private resources) of the release; and
 - 2) Persons who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release. They are trained to respond in a defensive fashion without actually trying to stop the release. Their function is to contain the release from a safe distance, keep it from spreading, and prevent exposures.
- c) Professional qualifications for Hazardous Materials First Responder-Operations are identified in NFPA 472r (1992) Standard for Professional Competence of Responders to Hazardous Materials Incidents, hereby incorporated by reference and containing no later standard or reference.
- d) Hazardous Materials First Responder-Operations is designed as the introductory step in the acquisition of all knowledge and skills required to safely mitigate a release or potential release of hazardous substances and is defined as meeting the requirement for fire protection personnel under 29 CFR 1910.120.
 - 1) Prerequisites - Hazardous Materials First Responder - Operations Certification is granted to those persons who have met the following qualifications.
 - A) Certification as a Firefighter II.
 - B) Successful completion of a course consisting of First Responder Operations, including passage of local testing including practical and State written examination.
 - C) Prerequisite for taking the State state written exam is Firefighter II certification.
 - D) See Section 140.50(a).
 - E) Certification as Hazardous Materials - Awareness.
 - F) See Section 140.60(m)(1).
 - 2) Funding. A maximum of 56 hours is available for reimbursement funding. The Office will fund this level of training only one time.

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- 3) Instructor Requirements.
Certified Fire Service Instructor I and Certified Hazardous Materials First Responder-Operations or higher.
- 4) Facility Certification and delivery system. Educational institutions and fire departments desiring to offer the First Responder program will be required to:
 - A) File Course Approval forms. (See Section 140.15)
 - B) Use a facility which has a classroom and the equipment needed to complete the Student Performance Objectives.
- 5) Course description. The course is described as a specialized course to provide those persons, whose duties include responding to the scene of emergencies that may involve hazardous materials with competencies to respond safely to hazardous materials incidents. Course objectives are identified in NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents (1992), hereby incorporated by reference and including no later standards or amendments. Objectives in this course are identical to the Hazardous Materials Operations objectives in Firefighter III. Equivalent courses must meet Section 140.18 Course Approval Equivalency.
- 6) State Certification Written Examination. To be Certified as a Hazardous Materials First Responder-Operations, candidates must supply proof of passage (class completion roster, transcript or certificate) of locally administered written and practical exams and pass the State written examination. (See Section 140.8)
- 7) State Certification Practical Skill Examination.
 - A) The State state practical skill examination consists of a series of evolutions determined from NFPA 472, contained in a document published by the Office of the State Fire Marshal, Division of Personnel Standards and Education, entitled Practical Skill Examination for Hazardous Materials First Responder-Operations. The instructor should contact the Office for this practical skill examination.
 - B) After the practical examination is completed and scored by the Instructor, a copy of the practical examination key must be sent to the Office for inclusion in the student's file. Certificates are held until practical exam scores are submitted.
- 8) Refresher Training - First Responder/Operations Level.
 - A) Refresher training should be accomplished on a minimum of an annual basis to insure that the employer can certify that the First Responder Operations level responders meet CFR 1910.120 (1993) and the guidelines of the Office of the State Fire Marshal for First Responder-Operations Level training. The training should include all the recurrence training for Awareness Level and in addition, methods and procedures for evaluating and controlling a hazardous materials incident, guidelines and principles for protecting

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the health and safety of response personnel, fundamentals of response team organizations and operations, proper use of chemical protective clothing and direct reading instruments, defensive confinement techniques, evaluation considerations and methods of communicating the status of the planned response, and any other areas as directed by the employer.

- B) Funding for refresher training is covered under Section 140.236 Hazardous Materials Refresher Training.

(Source: Amended at 21 Ill. Reg. 021.0, effective _____)

Section 140.232 Hazardous Materials Technician

- a) Hazardous Materials Technician is a series of two courses designed for the training and development of Hazardous Materials Response Team Members. Hazardous Materials Technicians are individuals who respond to releases or potential releases for the purpose of stopping the release. They assume a more aggressive role than a first responder at the operations level in that they will approach the point of release in order to plug, patch or otherwise stop the release of a hazardous substance.
- b) Hazardous Materials Technician A involves procedures for and entry into the "hot zone."
- c) Hazardous Materials Technician B involves the thought processes, rescue procedures and tactics and strategy.
- d) Both Hazardous Materials Technician A and Technician B are required to satisfy the requirements in NPPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents (1992). b) Technicians are shall be trained to meet requirements of the United States Department of Labor, Occupational Safety and Health Administration (OSHA), 29 CFR 1910.120 (1990), or the United States Environmental Protection Agency (EPA), 40 CFR 311 (1990), whichever is appropriate for their jurisdiction. This program is designed to meet the requirements of 29 CFR 1910.120.
- e) Professional qualifications for Technicians are identified in NPPA--472 (1992) Standard for Professional Competence of Responders to Hazardous Materials Incidents; hereby incorporated by reference and containing no later editions or amendments.
- f) Prerequisites - Hazardous Materials Technician A is granted to those persons who have met the following qualifications:
- 1) A) Certification as a Hazardous Materials First Responder-Operations.
 - 2) B) Successful completion of the Hazardous Material Technician A course.
 - 3) C) Be a Certified Firefighter III. A-Certified Firefighter II--may take the Hazardous Materials Technician training as part of the Firefighter III program; however, Hazardous Materials Technicians

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certification--will--not--be--awarded--until--the--individual--has achieved--Firefighter--III--certification.

4) B) The individual must be a certified Firefighter III and Certified Hazardous Materials certified First-Responder-Operations to take State written and practical the exam.

- 5) B) See Section 140.50(a).

f) Prerequisites - Hazardous Materials Technician B is granted to those persons who have met the following qualifications:

- 1) Certification as a Hazardous Materials First Responder-Operations.
- 2) Successful completion of the Hazardous Materials Technician A and Hazardous Materials Technician B courses.

3) Be a Certified Firefighter III.

- 4) The individual must be certified Firefighter III, Certified Hazardous Materials - Operations, and have successfully completed a Hazardous Materials Technician A course before taking the State exam.

5) See Section 140.50(a).

g) 2) Funding. A minimum of 40 hours and a maximum of 56 112 hours is available for reimbursement funding for Hazardous-Materials Technician A and a minimum of 40 hours and maximum of 56 hours is available for reimbursement funding for Technician B. The Office will fund this level of training only one time. If--not--a--Firefighter--III--hours--may be--used--for--Firefighter--III--Hours--accumulated--toward--Hazardous Materials--Technician--certification--while--a--person--is--a--Certified Firefighter--it--may--be--included--in--the--hours--allowed--for--Firefighter III.

h) 3) Instructor Requirements. Certified Fire Service Instructor II and certified Certified to the level the individual is teaching Hazardous Materials-Technician.

i) 4) Facility Certification and delivery systems. Educational institutions Institutions and fire departments desiring to offer the Hazardous Materials Technician A and Technician B Programs program will be required to:

- 1) A) File Course Approval forms. (See Section 140.15)
- 2) B) Use a facility which has a classroom and have the equipment which meets the Office approved course needed-to-complete-the Student-Performance-Objectives.

5) Course description--Hazardous-Materials--Technician--provides--a learning--experience--of--chemicals--and--the--hazards--associated--with them--and--provide--an--in--depth--instruction--in--how--to--safely--control and--mitigate--a--hazardous--materials--incident.---The---course objectives--are--identified--in--NPPA--472--Standard--for--Professional Competence--of--Responders--to--Hazardous-Materials--Incidents--(1992)7 hereby--incorporated--by--reference--and--including--no--later--editions or--amendments.

jd) State Certification Practical Skill Examination.

- 1) The State state practical skill examination consists of a series

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of evolutions determined from NFPA 472, contained in a document published by the Office of the State Fire Marshal, Division of Personnel Standards and Education, entitled Practical Skill Examination for Hazardous Materials Technician.

- 2) Instructors should contact the Office for this practical skill examination.
- 3) All practical skill examinations must be administered by a Certified Hazardous Materials Technician.
- 4) After the Practical examination is completed and scored by the Instructor, a copy of the evaluation checklist must be sent to the Office for inclusion in the student's file.
- k) State Certification Written Examination. To be certified Certified as a Hazardous Materials Technician A and Technician B, candidates must take and pass the State written examinations for each module examination. See Section 140.8. Request for exam must be signed by a Fire Service Instructor II who is also a Certified Hazardous Materials Technician. See--Section--140.8-- Prerequisite for taking the State state examination is certification as a Hazardous Materials First Responder-Operations.

(Source: Amended at 21 Ill. Reg. 001, effective 11/1/93)

Section 140.241 Confined Space/Trench Rescue Awareness

- a) Confined Space/Trench Rescue Awareness is designed to give fire personnel a basic awareness of requirements, hazards and techniques of rescue in confined spaces and trenches.
- b) Training will meet rulings of federal, State and local jurisdictions; OSHA 29 CFR 1910.146 (1993); OSHA 29 CFR 1926 Subpart P; and Illinois Department of Labor (56 Ill. Adm. Code 350.280).
- c) Professional qualifications require completion of the Office approved Confined Space/Trench Rescue Awareness course.
- d) Confined Space/Trench Rescue Awareness is designed as the introductory step in the acquisition of knowledge and skills required to safely perform a rescue.

1) Prerequisites - Confined Space/Trench Rescue Awareness Certification is granted to those persons in the fire service who have met the following qualifications:

- A) Certification as a Firefighter II.
- B) Successful completion of a course consisting of Confined Space/Trench Rescue Awareness, including written exams.
- C) Prerequisite for taking State examination is Firefighter II certification.
- D) See Section 140.50(a).

- 2) Funding. A maximum of 12 hours is available for reimbursement funding. The Office will fund this level of training only one time.

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- 3) Instructor Requirements. Instructor of Record shall be an Instructor I and certified in Confined Space/Trench Rescue Awareness.
- 4) Facility Certification and Delivery System. Educational institutions and fire departments desiring to offer the Confined Space/Trench Rescue Awareness program will be required to:
 - A) File Course Approval forms annually. See Section 140.15.
 - B) Use a facility which has a classroom and the equipment needed to complete the Student Performance Objectives.
- 5) State Certification Written Examination. To be certified in Confined Space/Trench Rescue Awareness, candidates must supply proof of passage (class completion roster, transcript or certificate) of locally administered written exam and pass the State written examination. See Section 140.8.
- e) Equivalent courses. Only approved courses will be acceptable for certification.

(Source: Added at 21 Ill. Reg. 001, effective 11/1/93)

Section 140.242 Rescue Specialist - Confined Space

- a) Rescue Specialist - Confined Space is designed to give fire service personnel the basic knowledge and skills to safely perform confined space rescue as defined by the Illinois Department of Labor (56 Ill. Adm. Code 350.280) and OSHA 29 CFR 146 (1993).
- b) Prerequisites.

Rescue Specialist - Confined Space certification is granted to those individuals who have completed a minimum 40 student contact hour course and meet the following qualifications:

- 1) Certification as a Firefighter II, Confined Space/Trench Rescue Awareness and Vertical I/Ropes and Rigging.
- 2) Successful completion of Office approved course, including passage of local testing and State written and practical examinations.
- 3) Prerequisite for taking the course is:
 - A) Successful completion of Confined Space/Trench Rescue Awareness and Vertical I/Ropes and Rigging.
 - B) Prerequisite for taking State written and practical examination is certification as Firefighter II.
- 4) See Section 140.50(a).

- c) Funding.
 - A) maximum of 56 hours is available for reimbursement funding. The Office will fund this level of training only one time.
- d) Instructor Requirements.

- 1) Instructor of Record shall be an Instructor II, certified in Confined Space/Trench Rescue Awareness, Rescue Specialist - Confined Space.

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- 2) Instructor of Record shall recertify annually.
 3) Instructor recertification shall consist of a method of refresher and evaluation in Office approved course.
 4) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record, and one instructor for each additional six students.
 5) All other instructors on site shall be a minimum of Instructor I and certified to the level they are teaching.
 e) Facility Certification and Delivery System.
Educational institutions and fire departments desiring to offer the Rescue Specialist - Confined Space program will be required to:
 1) File Course Approval Forms annually (see Section 140.15).
 2) Use a facility which has been pre-approved by the Office before each course delivery and which meets the requirements specified by the Office.
 3) Notify the Office prior to each course delivery.
 f) State Certification Written Examination.
To be certified as a Rescue Specialist - Confined Space, candidates must supply proof of passage (class completion roster or transcript) of locally administered written and practical exams and must pass the State written and practical examination (see Section 140.8).
 g) State Certification Practical Skill Examination.
 1) The State practical skill examination consists of a series of evolutions contained in an Office approved course. The school shall inform the Office of the date of the State practical examination to allow for Office staff or delegate to observe. The State practical skill examination shall be administered by an Instructor of Record who is certified as a Fire Service Instructor II, Confined Space/Trench Rescue Awareness and Rescue Specialist - Confined Space.
 3) See Section 140.8(1)(1), (2) and (3).
 h) Equivalent courses.
 1) See Section 140.70(c)(2) and (3).
 2) An equivalent course must meet the performance objectives listed in the Office approved course. See Section 140.18.
 3) When a course or courses are evaluated as equivalent, the individual will be allowed to take the State written and practical exam one time. Failure of either the written or practical exam will invalidate the equivalency evaluation and require the individual to take and successfully complete an Office approved program prior to taking the State written and practical exam a second time.
 4) Equivalent courses are not eligible for reimbursement funding.
 5) Requests for equivalency course will not be accepted after June 30, 1998.

(Source: Added at 21 Ill. Reg. effective
 JUL 1 1997) 8211 - -

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Section 140.243 Rescue Specialist - Trench I

- a) Rescue Specialist - Trench I is designed to give fire service personnel the basic knowledge and skills to safely perform trench stabilization, shoring equipment placement, and excavation and freeing of the victim from engulfment, as defined by the Illinois Department of Labor (56 Ill. Adm. Code 350.280) and OSHA (29 CFR 1976, Subpart P).
 b) Prerequisites.
Rescue Specialist - Trench I certification is granted to those individuals who have completed a minimum 16 student contact hour course and meet the following qualifications:
 1) Certification as a Firefighter II and Confined Space/Trench Rescue Awareness.
 2) Successful completion of Office approved course, including passage of local testing and State written and practical examinations.
 3) Prerequisite for taking the course is successful completion of Confined Space/Trench Rescue Awareness.
 4) Prerequisite for taking State written and practical examination is certification as Firefighter II.
 5) See Section 140.50(a).
 c) Funding.
A maximum of 24 hours is available for reimbursement funding. The Office will fund this level of training only one time.
 d) Instructor Requirements.
 1) Instructor of Record shall be an Instructor II, certified in Confined Space/Trench Awareness, and Rescue Specialist - Trench I.
 2) An Instructor of Record shall recertify annually.
 3) Instructor recertification shall consist of a refresher and evaluation of Office approved course.
 4) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record, and one instructor for each additional six students.
 5) All other instructors on site shall be a minimum of Instructor I and certified to the level they are teaching.
 e) Facility Certification and Delivery System.
Educational institutions and fire departments desiring to offer the Rescue Specialist - Trench I program will be required to:
 1) File Course Approval Forms annually (See Section 140.15).
 2) Use a facility which has been pre-approved by the Office before each course delivery and which meets the specifications Office approved course.
 3) Notify the Office before each course delivery.
 f) State Certification Written Examination.
To be certified as a Rescue Specialist - Trench I, candidates must supply proof of passage (class completion roster or transcript) of

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locally administered written and practical exams and must pass the State written and practical examinations. (See Section 140.8.)

- g) State Certification Practical Skill Examination.
- 1) The State practical skill examination consists of a series of evolutions contained in the Office approved course.
 - 2) The State practical skill examination shall be administered by an Instructor of Record, who is certified as a Fire Service Instructor II, Confined Space/Trench Rescue Awareness and Rescue Specialist - Trench I. The school shall inform the Office of the date of the State practical examination to allow for Office staff or delegate to observe.
 - 3) See Section 140.8(1)(1), (2) and (3).
- h) Equivalent courses.
- 1) See Section 140.70(c)(2) and (3).
 - 2) An equivalent course must meet the performance objectives listed in the Office approved course. See Section 140.18.
 - 3) When a course or courses are evaluated as equivalent, the individual will be allowed to take the State written and practical examination one time. Failure of either the written or practical examination will invalidate the equivalency evaluation and require the individual to successfully complete an Office approved program prior to taking the State written and practical examination a second time.
 - 4) Equivalency courses are not eligible for reimbursement funding.
 - 5) Requests for equivalency course will not be accepted after June 30, 1998.

(Source: Added at 21 Ill. Reg. 0211, effective JUL 1 1997)

Section 140.245 Rescue Specialist - Vertical I/Ropes and Rigging

a) Rescue Specialist - Vertical I/Ropes and Rigging is designed to give fire service personnel the basic knowledge and skills to safely perform ropes and rigging for vertical rescue as defined by NFPA 1983 (1990 edition) and OSHA (29 CFR 1910.146 (1993)).

b) Prerequisites.

Rescue Specialist - Vertical I/Ropes and Rigging is granted to those individuals who have completed a minimum 40 student contact hour course and meet the following qualifications:

- 1) Certification as a Firefighter II, Confined Space/Trench Rescue Awareness.
- 2) Successful completion of Office approved course, including passage of local testing, and State written and practical examinations.
- 3) Prerequisite for taking the course is: Successful completion of Confined Space/Trench Rescue Awareness.
- 4) Prerequisite for taking State written and practical examination

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is certification as Firefighter II.

5) See Section 140.50(a).

c) Funding.

A maximum of 56 hours is available for reimbursement funding. The Office will fund this level of training only one time.

d) Instructor Requirements.

- 1) Instructor of Record shall be an Instructor II, certified in Confined Space/Trench Awareness, and Rescue Specialist - Vertical II/High Angle.
 - 2) Instructor of Record shall recertify annually.
 - 3) Instructor recertification shall consist of a method of refresher and evaluation as prescribed in the Office approved course.
 - 4) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record, and one instructor for each additional six students.
 - 5) All other instructors on site shall be a minimum of Instructor I and certified to the level they are teaching.
- e) Facility Certification and Delivery System.
- Educational Institutions and fire departments desiring to offer the Rescue Specialist - Vertical I/Ropes and Rigging program will be required to:
- 1) File Course Approval Forms annually (see Section 140.15).
 - 2) Use a facility which has been pre-approved by the Office before each course delivery and which meets the requirements specified in the Office approved course.
 - 3) Notify the Office prior to any course delivery.
- f) State Certified Written Examination.
- To be certified as a Rescue Specialist - Vertical I/Ropes and Rigging, candidates must supply proof of passage (class completion roster or transcript) of locally administered written and practical exams.
- g) State Certification Practical Skill Examination.
- 1) All practical skill examinations are supplied by the Division. The examination package consists of the lists of evolutions to be completed and the Practical Examination Key. The evaluation package contains an attestation by the Fire Chief or School Director and Certified Instructor that the tasks have been 100% successfully completed. The school shall inform the Office of the date of the State practical examination to allow for Office staff or delegate to observe.
 - 2) The State practical skill examination shall be administered by an Instructor of Record who is certified as a Fire Service Instructor II, Rescue Specialist Vertical I/Ropes and Rigging and Vertical II/High Angle.
 - 3) See Section 140.8(1)(1), (2) and (3).
- h) Equivalent courses.
- 1) See Section 140.70(c)(2) and (3).
 - 2) An equivalent course must meet the performance objectives listed

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in the Office approved course. See Section 140.18.

- 3) When a course or courses are evaluated as equivalent, the individual will be allowed to take the State written and practical examination one time. Failure of either the written or practical examination will invalidate the equivalency evaluation and require the individual to take and successfully complete an Office approved program prior to taking the State written and practical examination a second time.
- 4) Equivalency courses are not eligible for reimbursement funding.
- 5) Requests for equivalency course will not be accepted after June 30, 1998.

(Source: Added at 21 Ill. Reg. 0211, effective JUL 01 1997)

Section 140.246 Rescue Specialist - Vertical II/High Angle

- a) Rescue Specialist - Vertical II/High Angle is designed to give fire service personnel the basic knowledge and skills to safely perform advanced high angle and below grade rescues as defined by NFPA 1983 (1990 edition) and OSHA (29 CFR 1910.146 (1993)).

- b) Prerequisites.
 - 1) Rescue Specialist - Vertical II/High Angle certification is granted to those individuals who have completed a minimum 40 student contact hour course and meet the following qualifications:

- 1) Certification as a Firefighter II and Rescue Specialist - Vertical I/Ropes and Riggings.
- 2) Successful completion of Office approved course, including passage of local testing and State written and practical examinations.
- 3) Prerequisite for taking the course is successful completion of Confined Space/Trench Rescue Awareness.
- 4) Prerequisite for taking State written and practical examination is certification as Firefighter II.
- 5) See Section 140.50(a).

- c) Funding.
 - A maximum of 56 hours is available for reimbursement funding. The Office will fund this level of training only one time.

- d) Instructor Requirements.

- 1) Instructor of Record shall be an Instructor II, certified in Confined Space/Trench Awareness, and Rescue Specialist - Vertical II - High Angle.
- 2) Instructor of Record shall recertify annually.
- 3) Instructor recertification shall consist of a method of refresher and evaluation as prescribed in the Office approved course.
- 4) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record, and one instructor for each additional six students.

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- 5) All other instructors on site shall be a minimum of Instructor I and certified to the level they are teaching.

- e) Facility Certification and Delivery System.
 - 1) Educational institutions and fire departments desiring to offer the Rescue Specialist - Vertical II/High Angle program will be required to:

- 1) File Course Approval Forms annually (see Section 140.15).
- 2) Use a facility which has been pre-approved by the Office before each course delivery and which meets the requirements specified in the Office approved course.
- 3) Notify the Office prior to each course delivery.

- f) State Certification Written Examination.
 - 1) To be certified as a Rescue Specialist - Vertical II/High Angle, candidates must supply proof of passage (class completion roster or transcript) of locally administered written and practical exams and must pass the State written and practical examinations. (See Section 140.8)

- g) State Certification Practical Skill Examination.

- 1) The State practical skill examination consists of a series of evolutions contained in the Office approved course. The school shall inform the Office of the date of the State practical examination to allow for Office staff or delegate to observe.

- 2) The State practical skill examination shall be administered by an Instructor of Record who is certified as a Fire Service Instructor II, Rescue Specialist - Vertical I/Ropes and Riggings and Rescue Specialist - Vertical II/High Angle.

- 3) See Section 140.8(1)(1), (2), and (3).

- h) Equivalent Course.

Only approved courses will be approved for certification.

(Source: Added at 21 Ill. Reg. 0211, effective JUL 01 1997)

Section 140.430 Reciprocity

- a) Reciprocity. The Office agrees to examine the certification credentials of individuals certified by other entities accredited by the International Fire Service Accreditation Congress to determine which level of certification, if any, is applicable. See Section 140.18.

- b) When a course or courses are evaluated as equivalent, the individual will be allowed to take the State written and practical exam one time. Failure of either the written or practical exams will invalidate the equivalency evaluation and require the individual to successfully complete the Office approved program prior to taking the State written and practical exam a second time.

(Source: Added at 21 Ill. Reg. 0211, effective

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JUL 1 1997

Section 140.500 Fees

The Office hereby adopts the following fee schedule for the Division of Personnel Standards and Education:

Approval Review of Facilities (Sections 140.11 and 140.12)	\$ 0.00
Administering examinations, per examination (Section 140.8)	0.00
Review of equivalency courses (Section 140.18)	0.00
Review of Course Approval Requests (Section 140.15)	0.00
Fee for Certificates (all training levels)	0.00
Fee for special examinations not on regular schedule	100.00

(Source: Added at 21 Ill. Reg. 8211, effective JUL 1 1997)

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Early Intervention Program
- 2) Code Citation: 59 Ill. Adm. Code 121
- 3) Section Number: Adopted Action:
121.30 Amended
121.66 New Section
- 4) Statutory Authority: Implementing and authorized by Section 9 of the Early Intervention Services System Act (325 ILCS 20/9).
- 5) Effective Date of Adopted Rules: June 25, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? This rulemaking incorporates by reference the standards of five accrediting organizations.
- 8) Date Filed in Agency's Principal Office: June 24, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: 21 Ill. Reg. 1506 (February 7, 1997)
- 10) Has JCARR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: The Department made the following changes in response to recommendations from the Administrative Code Division: The Administrative Code Division did not recommend any changes.

The Department made the following changes in response to recommendations from the Joint Committee on Administrative Rules: All changes recommended by the Joint Committee during the first notice period were made.

The Department made the following changes in response to public comments:

Section 121.30 - In the definition of "Accreditation", the following changes were made:

In the eighth subsection the title was corrected to read "Council on Accreditation 1997 Standards for Behavioral Health Care Services and Community Support and Education Services".

"1996 Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996)" was added

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as the sixth subsection.

Section 121.66(a)(6) - Added, causing relabeling of following subsections as (a)(7), (8), (9), (10), (11), (12) and (13).

The Department made the following technical changes:

Section 121.30 - In the definition of "Accreditation" the word "or" after the word "Health" in the second subsection was deleted and "[Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1996]" was added. A separate subsection was made of "Standards Manual and Interpretive Guidelines for Employment and Community Support Services (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1996).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace an emergency rule? No

14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	IL Register Citation
121.45	Amended	21 Ill. Reg. 6673

15) Summary and Purpose of Rules: Part 121 is being amended to apply deemed status to community providers accredited by the Joint Commission on the Accreditation of Healthcare Organizations, the Council on Accreditation of Services for Families and Children, the Accreditation Council, the Commission on Accreditation of Rehabilitation Facilities and the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped. Definitions of "accreditation" and "deemed status" has been added to Section 121.30. Section 121.65 has been added to clarify which Sections of Part 121 are eligible for deemed status and the method by which community agencies can demonstrate current accreditation status.

Various technical changes are also being made to this Part.

16) Information and questions regarding this adopted amendment shall be directed to:

Judith Hollenberg
Rules Administrator
Department of Mental Health and Developmental Disabilities
401 Stratton Building
Springfield IL 62765
217/785-3313

DEPARTMENT OF MENTAL HEALTH
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FAX 217/524-8920

The full text of the Adopted Amendment(s) begins on the next page:

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

PART 121
EARLY INTERVENTION PROGRAM

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APPENDIX A Utilization Guidelines

AUTHORITY: Implementing and authorized by Section 9 of the Early Intervention Services System Act [325 ILCS 20/9].

SOURCE: Adopted at 17 Ill. Reg. 4261, effective March 23, 1993; amended at 18 Ill. Reg. 15587, effective October 5, 1994; amended at 21 Ill. Reg. ~~8268~~, effective ~~June 2, 1994~~.

SUBPART A: GENERAL REQUIREMENTS

Section 121.30 Definitions

For the purpose of this Part, the following terms are defined:

"Accreditation." A process establishing that a program complies with nationally recognized standards of care as set by one of the following:

Outcome Based Performance Measures (The Council, 100 West Road, Suite 406, Towson, Maryland 21204, 1993);

Standards Manual and Interpretive Guidelines for Behavioral Health (Commission on Accreditation of Rehabilitation Facilities [CARF], 4891 East Grant Road, Tucson, Arizona 85711, 1996);

Standards Manual and Interpretive Guidelines for Employment and Community Support Services (Commission on Accreditation of Rehabilitation Facilities [CARF], 4891 East Grant Road, Tucson, Arizona 85711, 1996);

1997 Hospital Accreditation Standards (Joint Commission on Accreditation of Healthcare Organizations [JCAHO], One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

1997 Standards for Behavioral Health Care (Joint Commission on Accreditation of Healthcare Organizations [JCAHO], One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

1996 Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organizations [JCAHO], One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

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Education Standards (National Accreditation Council for Agencies Serving the Blind and Visually Handicapped, 15 West 65th Street, New York, New York 10023, 1994); or

Council on Accreditation 1997 Standards for Behavioral Health Care Services and Community Support and Education Services (Council on Accreditation of Services for Families and Children, Inc. (COA), 120 Wall Street, 11th Floor, New York, New York 10005, 1996).

"Advocacy." The process of speaking for, on behalf of, an individual, group, or cause especially when rights or interests are at risk.

"Appellant." The family or agency which requests a hearing.

"Assessment." The ongoing procedures used by appropriate qualified personnel throughout the period of a child's eligibility under this Part to identify:

The child's strengths and unique needs;

The family's concerns, resources and priorities related to child development;

The nature and extent of early intervention services that are needed by the child and the child's family; and

The adjusted age level of the child's developmental skills.

"Authorized agency representative." A person appointed by the governing body who has responsibility for the provider's administration, including programmatic content and fiscal affairs.

"Center-based program." One in which early intervention service(s) are provided to children and/or families at a site owned or leased by the provider.

"Children and Family Services, Department of (DCFS)." The State agency in Illinois responsible for providing social services to children and their families, to operate children's institutions, and to provide certain other rehabilitative and residential services. (Ill.-Rev.-Stat.-1991-ch.-23-par.-5001-et-seq-) [20 ILCS 505/1].

"Code." The Mental Health and Developmental Disabilities Code (Ill.-Rev.-Stat.-1991-ch.-91-i-27-par.-i-100-et-seq-) [405 ILCS 5/1-100].

"Confidentiality Act." The Mental Health and Developmental

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Disabilities Confidentiality Act (Ill.-Rev.-Stat.-1991-ch.-91-i-27-par.-801-et-seq-) [740 ILCS 110/4].

"Coordinating/advocacy provider." Certified entity in local community area that coordinates early intervention services with other services needed by the family or child up to age 5. This entity provides staff support to the local interagency coordinating council and advocacy services for families of eligible children. This entity is described in Section 6 of the Early Intervention Services System Act (Ill.-Rev.-Stat.-1991-ch.-23-par.-4156-) [325 ILCS 20/6].

"Day." A working day unless otherwise noted.

"Deemed status." If a provider has been accredited by an approved accrediting body as identified in the definition of "accreditation" in this Section, the Department shall deem the provider to be in substantial compliance with specific Sections of this Part. Deemed status, however, may be nullified by a finding by the Department that the provider is in substantial non-compliance with one or more of the designated Sections.

"Department." The Department of Mental Health and Developmental Disabilities or successor agency.

"Developmental delay." One in which a child is experiencing a delay in one or more of the following areas of childhood development as measured by appropriate diagnostic instruments and standard procedures: cognitive; physical, including vision and hearing; language, speech and communication; psycho-social; or self-help skills (Section 3 of the Early Intervention Services System Act (Ill.-Rev.-Stat.-1991-ch.-23-par.-4153-) [325 ILCS 20/3]).

"Developmental disability." Disability which is attributable to mental retardation, cerebral palsy, epilepsy or autism; or to any other condition which results in impairment similar to that caused by mental retardation and which requires services similar to those required by mentally-retarded individuals with mental retardation. Such disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial handicap (Section 1-106 of the Code (Ill.-Rev.-Stat.-1991-ch.-91-i-27-par.-i-106-) [405 ILCS 5/1-106]).

"Developmental services." Consists of a wide range of services provided to a child and his or her family which are designed to enhance the child's development and promote his or her maximum level of functioning.

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"Director." The Director of the Department.

"Early intervention." Consists of a wide range of services (as described in Section 121.100 of this Part) provided for children from birth to 36 months old with a developmental disability, developmental delay or high probability of developmental delay and their families. Early intervention programs are designed to improve child development, minimize potential delays, remediate existing problems, prevent further deterioration, limit the development of additional disabling conditions, and/or promote adaptive family functioning. The goals of early intervention are accomplished by providing developmental and therapeutic services to children and supportive services for their families.

"Early intervention aide." A person who has had training (as specified in Section 121.45(c) of this Part) that enables him or her to work with children and their family members, and provide services as an assistant to and under the supervision of an early intervention specialist. This person must have a minimum of one year supervised experience in the field of mental retardation or human services providing direct services.

"Early intervention program." Services as defined in this Part by a provider under a contractual agreement with the Department.

"Early intervention specialist." A person who meets the qualifications of a qualified mental retardation professional (QMRP) as defined in this Section. This person shall have a background in child development and shall be responsible for planning, coordinating and providing early intervention services to children and their families and supervising activities of early intervention aides.

"Evaluation." Process used by appropriate qualified personnel to determine a child's initial and continuing eligibility, including determining the child's status in each of the developmental areas specified in Section 121.90(d)(1) of this Part.

"Family." The parent or parent substitute, as defined by this Section, sister and brother of a child.

"Frequency and duration." Frequency means the number of days or sessions that a service will be provided and duration means the length of time the service is provided during each session.

"Governing body." The policy-making authority of a provider that establishes policies concerning the provider's operation and the welfare of individuals; provides for the provider's administration by

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appointing an authorized agency representative to implement its policies; and exercises general oversight of the provider's operation, its fiscal affairs and programmatic content to implement the provider's mission.

"Guardian." The court-appointed guardian or conservator of the person under the Probate Act of 1975 (441-Rev-Stat--1991-CH--110-1-7-Par-1-1-et-seq-) [755 ILCS 54-1] or a temporary custodian or guardian of the person of a child appointed by an Illinois juvenile court or a legally-appointed guardian or custodian or other party granted legal care, custody and control over a minor child by a juvenile court of competent jurisdiction located in another state whose jurisdiction has been extended into Illinois via the child's legally authorized placement according to the applicable interstate compact (the the Juvenile Court Act of 1987 (441-Rev-Stat--1991-CH--377-Par--801-1-et-seq-) [705 ILCS 4054-1]; Interstate Compact on the Placement of Children (441-Rev-Stat--1991-CH--237-Par--2601-et-seq-) [45 ILCS 1574]).

"Hearing officer." The person appointed by the Director to preside at the formal administrative hearing.

"High probability of developmental delay." A Means-a physical or mental condition that meets one of the following:

A diagnosed medical disorder bearing a relatively well-known expectancy for developmental outcomes within varying ranges of developmental disabilities; or

A history of prenatal, perinatal, neonatal or early developmental events suggestive of biological insults to the developing central nervous system and which either singly or collectively increase the probability of developing a disability or delay based on a medical history [Section 3 of the Early Intervention Services Systems Act (441-Rev-Stat--1991-CH--237-Par--4153) [325 ILCS 20/3]].

"Individualized family service plan (IFSP)." Written plan developed by the transdisciplinary or interdisciplinary team. It contains a statement of the child's present levels of cognitive, physical (including vision and hearing), communication (including receptive and expressive language skills), and social or emotional development and adaptive skills based on acceptable objective criteria.

"Interdisciplinary process." The process in which different disciplines perform assessments and implement services in their discipline areas but work from an IRSP jointly developed with the

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parent or parent substitute.

"Local interagency coordinating council (local ICC)." Advisory body to the early intervention program responsible for local community needs assessments, planning, developing recommendations for local program development, and conflict resolution. The local ICC is composed of parents, representatives from the coordinating/advocacy provider, the regional diagnostic services, local early intervention agencies, and local state agency staff. The local ICC is described in Section 6 of the Early Intervention Services System Act.

"Natural environment." A place where children without disabilities would normally participate in developmentally and age-appropriate activities (includes home, day care, preschool, nursery school and recreation programs).

"Parent or parent substitute." A person acting in the capacity of a parent with respect to a child. The parent substitute shall be:

The legal guardian, if a legal guardian has been determined;

The natural or adoptive parent, if no legal guardian has been determined;

A person licensed as a foster parent and providing care under the Child Care Act of 1969 (~~111--Rev--Stat--1991--ch--23--par--2211 et--seq--~~ [225 ILCS 10~~4~~]);

A surrogate parent appointed by the Illinois State Board of Education; or

Another relative who is 21 years old or older who has a parent-like relationship with the child and who wishes to serve as the parent substitute. This relative shall be considered the parent for purposes of this Part if there is no objection from:

The legal guardian, if a legal guardian has been determined;
or

The natural or adoptive parent, if no legal guardian has been determined.

"Physician." A physician licensed under the Medical Practice Act of 1987 (~~111--Rev--Stat--1991--ch--117--par--4400-i et--seq--~~ [225 ILCS 60~~4~~]).

"Provider." An agency having a contract with the Department for the

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provision of early intervention services in accordance with this Part.

"Public Aid, Department of (DPA)." The State agency in Illinois responsible for administering the federal Medicaid program and other federal and State public assistance programs.

"Quality assurance." A systematic and objective approach to monitoring and evaluating the appropriateness, adequacy and quality of services in order to identify and resolve problems.

"Qualified mental retardation professional (QMRP)." - A QMRP must have at least one year of experience working directly with individuals with mental retardation or other developmental disabilities and be one of the following:

A doctor of medicine or osteopathy licensed pursuant to the Medical Practice Act of 1987;

A registered nurse licensed pursuant to ~~the~~ Illinois Nursing Act of 1987 (~~111--Rev--Stat--1991--ch--117--par--3501-et--seq--~~ [225 ILCS 65~~4~~]);

An occupational therapist or occupational therapist assistant certified by the American Occupational Therapy Association (Illinois Occupational Therapy Practice Act (~~111--Rev--Stat--1991--ch--117--par--3701-et--seq--~~ [225 ILCS 75~~4~~]));

A physical therapist certified by the American Physical Therapy Association (Illinois Physical Therapy Act (~~111--Rev--Stat--1991--ch--117--par--4251-et--seq--~~ [225 ILCS 90~~4~~]));

A physical therapist assistant registered by the American Physical Therapy Association or a graduate of a two-year college-level program approved by the American Physical Therapy Association;

An individual with at least a master's degree in psychology from an accredited school (Clinical Psychologist Licensing Act [225 ILCS 151]);

A social worker with a bachelor's degree from a college or university or graduate degree from a school of social work accredited or approved by the Council on Social Work Education or another comparable body ((the Clinical Social Work and Social Work Practice Act (~~111--Rev--Stat--1991--ch--117--par--6951-et--seq--~~ [225 ILCS 20~~4~~])));

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A speech-language pathologist or audiologist with a certificate of Clinical Competence in Speech-Language Pathology or Audiology granted by the American Speech Language Hearing Association or comparable body or who has met the education requirements for licensure and is in the process of accumulating the supervised experience required for licensure (the Illinois Speech-Language Pathology and Audiology Practice Act (331-Rev-Stat--1991--ch-117-par--7901-et-seq-) [225 ILCS 110/4]);

A professional recreation staff person with a bachelor's degree in recreation or in a speciality area such as art, dance, music or physical therapy;

A professional dietician registered by the American Dietetics Association; or

A human services professional with a bachelor's degree in a human services field, including but not limited to, sociology, education, rehabilitation counseling or psychology.

"Respondent." The agency, person or division of the Department that made the decision being appealed.

"Service facilitation." The activities carried out to assist and enable eligible children and their families to receive the rights, procedural safeguards and services that have been chosen by the family and are authorized to be provided.

"Site." A discrete building that is owned, leased by, or loaned to a provider for the purpose of providing early intervention services.

"State Board of Education." The State state agency responsible for setting policies and guidelines for public and private schools and appointing surrogate parents for children ages 0 to 21 and for acting as the lead State state agency on early intervention.

"Third party." Any individual, institution, corporation, public or private agency which is or may be responsible (liable) for paying all or part of the costs of early intervention services provided to a child or family. One example is insurance.

"Transdisciplinary or interdisciplinary team." A group consisting of the parent or parent substitute, staff providing service facilitation, and representatives of disciplines and services necessary to identify the child's and family's needs and to design services and alternatives to meet them. At least one member of the team shall be an early intervention specialist. The process in which the team works together

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determines if the team is a transdisciplinary or interdisciplinary team.

"Transdisciplinary process." The process in which different disciplines work together with the parent or parent substitute to assess, plan and implement services by participating in mutual sharing of information and decision making. The process ensures the crossing of traditional disciplinary boundaries by role extension, exchange, release and support.

"Transition." A process designed to facilitate the movement from early intervention services or programs to appropriate early childhood programs that serve children 3-5 years of age or to other community service agencies.

"Utilization review." A process by which the provider regularly assesses, on a sample basis, the appropriateness of provider processes and outcomes related to services provided to children and their families.

(Source: Amended at 21 Ill. Reg. 8268, effective JUN 2 1997)

SUBPART B: PROVIDER REQUIREMENTS

Section 121.66 Accreditation

a) Providers demonstrating current accreditation status under any of the standards of the accrediting organizations identified in the definition of "accreditation" in Section 121.30 of this Part shall be granted deemed status for the following Sections of this Part:

- 1) Section 121.20;
- 2) Section 121.35(d) and (g);
- 3) Section 121.45(a) through (d);
- 4) Section 121.55(a) through (c), (e), (g) and (i);
- 5) Section 121.60;
- 6) Section 121.65(a)(1) and (2), (5) through (7) and (9);
- 7) Section 121.70;
- 8) Section 121.75;
- 9) Section 121.80;
- 10) Section 121.90;
- 11) Section 121.95;
- 12) Section 121.105(b), (e) through (g); and
- 13) Section 121.115.

b) Demonstration of current accreditation status shall be achieved by submission of a certificate of accreditation and the most recent accreditation report by the provider to the Department.

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c) If the provider's accreditation status changes for any reason, the provider shall notify the Department of that change within 30 days after the effective date of the change.

(Source: Added at 21 Ill. Reg. effective
JUN 24 1997 8282)

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1) Heading of the Part: Grants

2) Code Citation: 59 Ill. Adm. Code 103

3) Section Number: Adopted Action:
103.11 Amended
103.165 Amended

4) Statutory Authority: Implementing Sections 15, 34 and 34.1 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/15, 34 and 34.1] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

5) Effective Date of Adopted Rules: June 25, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Do these rules contain incorporations by reference? This rulemaking incorporates by reference the standards of five accrediting organizations.

8) Date Filed in Agency's Principal Office: June 24, 1997

9) Notice(s) of Proposal Published in Illinois Register: 21 Ill. Reg. 1518 (February 7, 1997).

10) Has JCARR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: The Department made the following changes in response to recommendations from the Administrative Code Division: The Administrative Code Division did not recommend any changes.

The Department made the following changes in response to recommendations from the Joint Committee on Administrative Rules: All changes recommended by the Joint Committee during the first notice period were made.

The Department made the following changes in response to public comments: Section 103.11 - In the definition of the "accreditation" the following changes were made:

In the second subsection, the title was corrected to read "Council on Accreditation 1997 Standards for Behavioral Health Care Services and Community Support and Education Services".

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"1996 Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996)" was added as the fourth subsection.

The address was corrected in the fifth subsection to read ", 100 West Road, Suite 406, Towson, Maryland 21204, 1993"; the name of the accrediting organization was corrected to read "The Council".

The Department made the following technical changes:

Section 103.11 - In the definition of "accreditation", the Department separated the sixth subsection into a seventh subsection to clarify that there are two sets of standards available from the Commission on Accreditation of Rehabilitation Facilities.

In this same definition, the end period of the seventh subsection was replaced with a semicolon.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace an emergency rule? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: Part 103 is being amended to apply deemed status to community providers accredited by the Joint Commission on the Accreditation of Healthcare Organizations, the Council on Accreditation of Services for Families and Children, the Accreditation Council, the Commission on Accreditation of Rehabilitation Facilities and the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped. A definition of "deemed status" has been added to Section 103.11. Section 103.165 has been amended to clarify which Sections of Part 103 are eligible for deemed status and the method by which community agencies can demonstrate current accreditation status.

Various technical changes are also being made.

16) Information and questions regarding this adopted amendment shall be directed to:

Judith Hollenberg
Rules Administrator
Department of Mental Health and Developmental
Disabilities
401 Stratton Building

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Springfield IL 62765
Telephone (217)785-3313
FAX (217)524-8920

The full text of the Adopted Amendment(s) begins on the next page:

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TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
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PART 103
GRANTS

SUBPART A: SYSTEM DESIGN

Section	Purpose
103.10	Definitions
103.11	Incorporation by reference
103.15	Geographic service area
103.20	Agency governance
103.25	Conflict of interest
103.30	Community operation of programs (Repealed)
103.40	General program requirements
103.50	Fiscal management
103.60	Programs eligible for grants
103.65	Special organizational structures
103.70	Monitoring and evaluation
103.80	

SUBPART B: OPERATIONAL PROCEDURES

Section	Purpose
103.90	Fiscal requirements
103.95	Grant negotiation process
103.100	Accounting requirements
103.110	Allowable/non-allowable expenses
103.120	Audits
103.130	Department review and hearing process
103.140	Budget application (Repealed)
103.150	Agency plan
103.160	Grant agreement and addenda
103.165	Accreditation
103.170	Agency plan compliance
103.180	Prerequisites for disbursement of funds
103.190	Interruption of disbursement and grant cancellation
103.200	Revenue/expense reports (Repealed)
103.210	Reallocation and lapsed funds

AUTHORITY: Implementing Sections 15, 34 and 34.1 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/15, 34 and 34.1] and the Community Services Act [405 ILCS 30] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act

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[20 ILCS 1705/5].

SOURCE: Emergency rule adopted and codified at 6 Ill. Reg. 9361, effective July 21, 1982, for a maximum of 150 days; emergency expired December 19, 1982; adopted at 7 Ill. Reg. 1788, effective February 2, 1983; amended at 7 Ill. Reg. 9304, effective July 27, 1983; amended at 10 Ill. Reg. 10572, effective June 1, 1986; amended at 10 Ill. Reg. 10568, effective September 1, 1986; emergency amendment at 16 Ill. Reg. 2643, effective February 1, 1992, for a maximum of 150 days; emergency expired on June 30, 1992; amended at 17 Ill. Reg. 10282, effective July 1, 1993; amended at 21 Ill. Reg. 8282, effective JUN 2 1993.

SUBPART A: SYSTEM DESIGN

Section 103.11 Definitions

For the purpose of this Part, the following terms are defined:

"Accreditation." A process establishing that a program complies with nationally recognized standards of care as set by one of the following:

1997 Hospital Accreditation Standards Manual-for-Hospitals (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996 #993);

Council on Accreditation 1997 Standards for Behavioral Health Care Services and Community Support and Education Services Manual on-Agency-Accreditation (Council on Accreditation of Services for Families and Children (COA), 120 Wall Street, 11th Floor, 520 Eighth-Avenue-Suite-2202B7 New York, New York 10005 #0010, 1996 #992);

1997 Mental-Health Standards for Behavioral Health Care (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996 #993);

1996 Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

Outcome Based Performance Measures Standards-for-Services-for People-with-Developmental-Disabilities (The Accreditation Council for, 100 West Road, Suite 406, Towson, Maryland 21204, 1993

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Services--for--Developmentally--Disabled--Persons--(Gouneiff--0400 Professional--Place--Suite--204--Bandovery--Maryland--207057--1990);

Standards Manual and Interpretive Guidelines for Behavioral Health (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1996) 17-1992); OR

Standards Manual and Interpretive Guidelines for Employment and Community Support Services Standards--Manual--for--Organizations Serving--People--with--Disabilities (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road 101--North Wilmet--Road--Suite--500, Tucson Tucson, Arizona 85711, 1996) 17-1992); OR

Education Standards (National Accreditation Council for Agencies Serving the Blind and Visually Handicapped, 15 West 65th Street, New York, New York 10023, 1994).

"Agency plan." A part of the grant agreement which identifies the services to be provided, the target population and the geographic areas to be served. It identifies how the services will be financed and through what budget items and funding sources.

"Authorized agency representative." The administrative head of an agency appointed by the agency's governing body with overall responsibility for fiscal and programmatic management.

"Code." The Mental Health and Developmental Disabilities Code (111-Rev-Stat--1991-eh--91-1727-par--1-100-et-seq--7) [405 ILCS 5].

"Community agency" or "agency." Local government or not-for-profit corporation under contract with the Department to provide services.

"Confidentiality Act." The Mental Health and Developmental Disabilities Confidentiality Act (111-Rev-Stat--1991-eh--91-1727-par--001-et-seq--7) [740 ILCS 110].

"Control." For a not-for-profit corporation, control is indicated if current members of the governing body (or staff) of the agency comprise 50 percent or more of the governing body of the controlled entity or the governing body of the agency can select 50 percent or more of the controlled entity, or any combination of seats and selection that results in influencing 50 percent or more of the seats of the controlled entity. For a for-profit corporation, control is indicated if the agency owns or controls, by options or trust, 50 percent or more of the voting stock of the corporation, or has control over the selection of over 50 percent of the governing body of the

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for-profit corporation, or the hiring of its management. For a partnership, control is being a general partner in a limited partnership, or being a partner with more than 50 percent of the invested equity in a general partnership. For a sole proprietorship, control exists if the proprietor is a full or part-time employee of the grantee.

"Controlled entity." Any corporation, partnership or sole proprietorship that is controlled by the agency's governing body.

"Day mode." An administrative designation quantifying service activities which are delivered during any substantial and regularly scheduled portion of a specific 24-hour time period.

"Days." Calendar days unless otherwise specified.

"Department." The Department of Mental Health and Developmental Disabilities or successor agency.

"Deemed status." If an agency has been accredited by an approved accrediting body as identified in the definition of "accreditation" in this Section, the Department shall deem the agency to be in compliance with specific Sections of this Part. Deemed status, however, may be nullified by a finding by the Department that the agency is in substantial non-compliance with one or more of the designated Sections.

"Director." The Director of the Department of Mental Health and Developmental Disabilities.

"Event mode." An administrative designation quantifying service activities which are delivered in short, time-limited segments.

"Fair market value." The prevailing rate at which similar business is contracted in the agency's community, including the following specific criteria:

Fair market rent means up to plus 10 percent from the average of two estimates of appropriate rental costs from two local appraisers, which the agency is responsible for securing. If the appropriate rental cost is unclear, the Department and the agency shall establish a fair and appropriate fee.

Fair market fees for personnel means, whenever possible, the like prevailing rates in the community on a per day or per hour basis.

"Geographic service area." A geographic division for the purpose of

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providing locally-operated networks of services. The Department's programs are funded through a structure of service areas.

"Governing body." The policy-making authority of an agency which establishes policies concerning the agency's operation and the welfare of individuals; provides for the agency's administration by appointing an authorized agency representative to implement its policies, and exercises general oversight of the agency's operation, its fiscal affairs and programmatic content to implement the agency's mission.

"Grant agreement." When fully executed, the obligating instrument providing the basis for Departmental financial participation in grant-in-aid programs, and which formalizes the contractual relationship between the Department and the agency indicating the amount of Department funds which will be paid to the agency for the provision of services as described in the grant agreement and the agency plan.

"Individual" or "individuals." A person or persons who receives or receive mental health or developmental disability services.

"Lapse." Grant funds not expended at the expiration of the grant agreement, due to allowable expenses not meeting revenue for Department grant funds awarded, by program.

"Lapse notice." A notification that the Department has determined potential lapsed funds, when the Department revenue by program exceeds allowable expense, by Department-funded program.

"Linkage." Person-to-person contact to assure that the supports and services needed by the individual and specified in the individual services plan are obtained. The qualified mental retardation professional, qualified mental health professional or staff under their supervision shall be responsible for assuring linkage.

"Medicaid." Medical assistance issued by the Illinois Department of Public Aid under the provisions of Title XIX of the Social Security Act (42 U.S.C.A. 1396 et seq. (1995 1992)), for eligible recipients including Aid to the Aged, Blind and Disabled (AABD), Aid to Families with Dependent Children (AFDC), Medical Assistance No Grant (MANG), Refugee Repatriate Program (RRP) recipients, as well as Title XIX eligible Department of Children and Family Services (DCFS) wards.

"Network of services." A network which is developed and maintained by service providers, community residents (including consumers and consumer representatives), mental health authorities and the Department (including State-operated facilities), and which is

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planned, organized and coordinated for the delivery of mental disabilities services. Such a network will emphasize continuity, accessibility, appropriateness and comprehensiveness.

"Operating fund." A term inclusive of funds an agency may have in its accounting records, except those in a capital fund(s).

"Performance indicator." A qualitative and/or quantitative measure that can be included in the assessment of how well the mental health and developmental disabilities service system is functioning; in evaluating both outcomes and system processes; and in assessing all levels of the system, including the system as a whole, the geographic service area, the agency, the State-operated facility, and the individual receiving mental health or developmental disabilities services.

"Preliminary evaluation." The use of a system to evaluate the physical, social, developmental, behavioral and psychosocial aspects of an individual.

"Redistribution." A change in the distribution of the agency's total award between two or more individual program awards, involving an intra-agency transfer of funds; therefore, the increases to individual programs are always balanced by the decreases to other programs, but not changing the agency total.

"Reduction." A decrease in the level of funding to a program currently receiving grant funds as well as a decrease to the agency total.

"Residential mode." An administrative designation quantifying service activities which are delivered in a specified living environment.

"Services" or "mental health or developmental disability services." Any treatment or habilitation events or products as contracted for through the grant agreement and as specified in the agency plan.

"Supplemental." For a program currently receiving grant funds, a supplemental represents an increase to both the individual program award and the agency total. For a new program, a supplemental represents both the addition of a specific program award, and an increase to the agency total.

"Umbrella agencies." Those organizations which have overall legal, administrative, planning, and funding responsibility for delivery of services in more than one geographic service area.

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(Source: Amended at 21 Ill. Reg. 8282, effective
JUN 2, 1997)

SUBPART B: OPERATIONAL PROCEDURES

Section 103.165 Accreditation

- a) Agencies Providers demonstrating current accreditation status under any of the standards of the accrediting organizations identified in the definition of "accreditation" in Section 103.11 of this Part either the Standards for Services for People with Developmental Disabilities (Council on Accreditation of Service for Families and Children (COA)) or the Accreditation Manual for Hospitals (CAHO) shall be deemed to be in compliance with Sections 103.25 and 103.60 of this Part.
- b) Demonstration of current accreditation status shall be achieved by submission of a certificate statement of accreditation and most recent accreditation report by the agency to the Department as part of the submission of the agency plan.
- c) If the agency's accreditation status changes for any reason, the agency shall notify the Department of that change within 30 days after the effective date following the change.

(Source: Amended at 21 Ill. Reg. 8282, effective
JUN 2, 1997)

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- 1) Heading of the Part: Medicaid Community Mental Health Services Program
- 2) Code Citation: 59 Ill. Adm. Code 132
- 3) Section Number: Adopted Action:
132.91 New Section
- 4) Statutory Authority: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/15.3].
- 5) Effective Date of Adopted Rules: June 25, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? This rulemaking incorporates by reference the standards of five accrediting organizations.
- 8) Date Filed in Agency's Principal Office: June 24, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: 21 Ill. Reg. 1527 (February 7, 1997)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: The Department made the following changes in response to recommendations from the Administrative Code Division: The Administrative Code Division did not recommend any changes.

The Department made the following changes in response to recommendations from the Joint Committee on Administrative Rules: All changes recommended by the Joint Committee during the first notice period were made.

The Department made the following changes in response to public comments:

Section 132.91(a) (2) - The title was corrected.

Section 132.91(a)(4) - Added.

Section 132.91(a)(5) - The name of the accrediting organization was corrected.

The Department made the following technical changes:

Section 132.91(a)(6) and (7) - Separated to clarify that there are two sets of standards available from the Commission on Accreditation of

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Rehabilitation Facilities.

Section 132.91(b) - The phrase "subsections (a)(1) through (a)(6)" was corrected to read "subsections (a)(1) through (a)(7)".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace an emergency rule? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: Section 132.91 is being added to Part 132 to apply deemed status to community providers accredited by the Joint Commission on the Accreditation of Healthcare Organizations, the Council on Accreditation of Services for Families and Children, the Accreditation Council and the Commission on Accreditation of Rehabilitation Facilities. Section 132.91 defines "deemed status", identifies the standards of these accrediting bodies, clarifies which Sections of Part 132 are eligible for deemed status and the method by which community agencies can demonstrate current accreditation status.

The Department has elected to amend Part 132 in a slightly different manner than Parts 103, 113, 115, 119 and 121 which appear elsewhere in this issue of the *Illinois Register* because the Department anticipates additional rulemaking on this Part, involving the definitions Section (Section 132.25), in the near future and did not wish to delay this "deemed status" rulemaking until these additional amendments were ready for proposal. When these additional amendments are proposed, the Department will add definitions of "accreditation" and "deemed status" to Section 132.25.

Various technical changes are also being made to this Part.

16) Information and questions regarding this adopted amendment shall be directed to:

Judith Hollenberg
Rules Administrator
Department of Mental Health and Developmental Disabilities
401 Stratton Building
Springfield IL 62765
Telephone (217)785-3313
FAX (217)524-8920

The full text of the Adopted Amendment(s) begins on the next page:

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TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 132

MEDICAID COMMUNITY MENTAL
HEALTH SERVICES PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	Purpose
132.10	Incorporation by reference
132.15	Clients' rights and confidentiality
132.20	Definitions
132.25	Application and certification process
132.30	Recertification and reviews
132.35	Certification for additional Medicaid community mental health services and/or new site(s)
132.40	Suspension of certification
132.45	Termination of certification
132.50	Certification appeal criteria and process
132.55	Rate setting
132.60	

SUBPART B: PROVIDER ADMINISTRATIVE REQUIREMENTS

Section	
132.65	Organizational structure
132.70	Personnel and administrative recordkeeping
132.75	Program evaluation
132.80	Fiscal and statistical
132.85	Recordkeeping
132.90	Provider site(s)
<u>132.91</u>	<u>Accreditation</u>

SUBPART C: UTILIZATION REVIEW AND CONTINUITY OF SERVICES

Section	
132.95	Utilization review
132.100	Clinical records
132.105	Continuity and coordination of services
132.110	Availability of services (Repealed)

SUBPART D: CLINIC SERVICES

Section	
132.115	Provisions

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132.120 Service needs evaluation
132.125 Treatment plan development and modification
132.130 Psychiatric treatment
132.135 Crisis intervention
132.140 Day treatment

SUBPART E: REHABILITATIVE SERVICES

Section
132.145 Provisions
132.150 Rehabilitative mental health services
132.155 Family intervention, stabilization and reunification services

SUBPART F: CASE MANAGEMENT SERVICES

Section
132.160 Provisions
132.165 Mental health case management services
132.170 Rehabilitative case management

APPENDIX A Medicaid Community Mental Health Services Application Components

APPENDIX B Utilization Parameters
TABLE A Mental Health Clinic Program Client Services
TABLE B Rehabilitative Mental Health Services
TABLE C Family Intervention, Stabilization and Reunification Services

AUTHORITY: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/15.3].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 211, effective December 31, 1991, for a maximum of 150 days; new rules adopted at 16 Ill. Reg. 9006, effective May 29, 1992; amended at 18 Ill. Reg. 15593, effective October 5, 1994; emergency amendment at 19 Ill. Reg. 9200, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16178, effective November 28, 1995; amended at 21 Ill. Reg. 0202, effective JUN 2 1997.

SUBPART B: PROVIDER ADMINISTRATIVE REQUIREMENTS

Section 132.91 Accreditation

- a) The Department shall grant deemed status to providers having a contract with the Department and demonstrating current accreditation status under any of the standards of the following accrediting organizations:

1) 1997 Hospital Accreditation Standards (Joint Commission on

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Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996); Council on Accreditation 1997 Standards for Behavioral Health Care and Community Support and Educational Services (Council on Accreditation of Services for Families and Children (COA), 120 Wall Street, 11th Floor, New York, New York 10005, 1996); 1997 Standards for Behavioral Health Care (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996); 1996 Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

5) Outcome Based Performance Measures (The Council, 100 West Road, Suite 406, Towson, Maryland 21204, 1993);

6) Standards Manual and Interpretive Guidelines for Behavioral Health (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1996); or

7) Standards Manual and Interpretive Guidelines for Employment and Community Support Services (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1996).

b) "Deemed status" means that if a provider has been accredited by any of the accrediting organizations identified in subsections (a)(1) through (a)(7) of this Section, the Department shall deem the provider to be in substantial compliance for the programs the Department funds for the following Sections of this Part:

1) Section 132.65;

2) Section 132.70;

3) Section 132.75;

4) Section 132.85(a)(1), (b), (d)(3) through (d)(5) and (e);

5) Section 132.95 (a) and (d) through (f) and (h);

6) Section 132.100(a) through (g) and (i) through (j); and

7) Section 132.105.

c) Demonstration of current accreditation status shall be achieved by submission of a certificate of accreditation and the most recent accreditation report by the provider to the Department.

d) If the provider's accreditation status changes for any reason, the provider shall notify the Department of that change within 30 days after the effective date the change.

e) Deemed status may be nullified by a finding by the Department that the provider is in substantial non-compliance with one or more of the Sections identified in subsections (b)(1) through (b)(7) of this Section.

(Source: Added at 21 Ill. Reg. 0202, effective JUN 2 1997)

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- 1) Heading of the Part: Minimum Standards for Certification of Developmental Training Programs
- 2) Code Citation: 59 Ill. Adm. Code 119
- 3) Section Number:
119.120 Adopted Action:
119.210 Amended
119.270 New Section
119.305 Amended
- 4) Statutory Authority: Implementing and authorized by Section 15.2 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/15.2].
- 5) Effective Date of Adopted Rules: June 25, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? This rulemaking incorporates by reference the standards of five accrediting organizations.
- 8) Date Filed in Agency's Principal Office: June 24, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: 21 Ill. Reg. 1532 (February 7, 1997)
- 10) Has JCARE issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: The Department made the following changes in response to recommendations from the Administrative Code Division: The Administrative Code Division did not recommend any changes.

The Department made the following changes in response to recommendations from the Joint Committee on Administrative Rules: All changes recommended by the Joint Committee during the first notice period were made.

The Department made the following changes in response to public comments: Section 119.120 - In the definition of "Accreditation", the following changes were made:

"1996 Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996)" was added as the sixth subsection.

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In the eighth subsection, the title was corrected to read "Council on Accreditation 1997 Standards for Behavioral Health Care Services and Community Support and Education Services".

In the first subsection, the name of the accrediting organization was corrected to read "The Council".

The Department made the following technical changes:

Section 119.120 - In the definition of "Accreditation" the word "or" after the word "Health" in the second subsection was deleted and "[Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1996];" A separate subsection was made of "Standards Manual and Interpretive Guidelines for Employment and Community Support Services for--Organizations--Serving--People--with--Disabilities (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road 101-North-Wilmot-Road-7-Suite-500, Tucson, Arizona 85711, 1996 1989;"

Section 119.305(a) -The comma after "Springfield" was deleted.

- 12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreement letter issued by JCARE? Yes
- 13) Will these rules replace an emergency rule? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
119.260	Amended	21 Ill. Reg. 6680

15) Summary and Purpose of Rules: Part 119 is being amended to apply deemed status to community providers accredited by the Joint Commission on the Accreditation of Healthcare Organizations, the Council on Accreditation of Services for Families and Children, the Accreditation Council, the Commission on Accreditation of Rehabilitation Facilities and the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped. LA definition of "deemed status" has been added to Section 119.120. Section 119.270 has been added to clarify which Sections of Part 119 are eligible for deemed status and the method by which community agencies can demonstrate current accreditation status. Section 119.210 is being amended to correct an inconsistency with a time frame in Section 119.235; Section 119.305 is being amended to correct the address of the Department's Office of Accreditation and Licensure.

16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF MENTAL HEALTH
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Judith Hollenberg
Rules Administrator
Department of Mental Health and Developmental Disabilities
401 Stratton Building
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Telephone (217)785-3313
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The full text of the Adopted Amendment(s) begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

PART 119

MINIMUM STANDARDS FOR CERTIFICATION OF DEVELOPMENTAL TRAINING PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
119.100 Applicability
119.110 Incorporation by reference
119.120 Definitions

SUBPART B: PROGRAM REQUIREMENTS

Section
119.200 General requirements
119.205 Criteria for participation of individuals
119.210 Exclusion, suspension or discharge of an individual
119.215 Program staff
119.220 Interdisciplinary team (team)
119.225 Assessment of individuals
119.230 Individual services plan (plan)
119.235 Individual rights and confidentiality
119.240 Special training procedures
119.245 Committees
119.250 Medications and medical care
119.255 Environmental management
119.260 Administrative requirements
119.261 Application for waiver of the prohibition against employment
119.270 Accreditation

SUBPART C: CERTIFICATION REQUIREMENTS

Section
119.300 Issuing a certificate and period of certification
119.305 Application for certification
119.310 Application acceptance and verification
119.315 Non-transferability of a certificate
119.320 Cessation of operations
119.325 Certificate denial
119.330 Hearings

AUTHORITY: Implementing and authorized by Section 15.2 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/15.2].

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SOURCE: Adopted at 14 Ill. Reg. 17227, effective October 9, 1990; emergency amendment at 16 Ill. Reg. 2662, effective February 1, 1992, for a maximum of 150 days; emergency expired June 30, 1992; amended at 21 Ill. Reg. 2195, effective February 1, 1997; amended at 21 Ill. Reg. 6067, effective May 5, 1997; amended at 21 Ill. Reg. 8297, effective June 2, 1997.

SUBPART A: GENERAL PROVISIONS

Section 119.120 Definitions

For the purposes of this Part, the following terms are defined:

"Abuse." *Any physical injury, sexual abuse or mental injury inflicted on an individual other than by accidental means.*
(Section 1-101.1 of the Code)

Physical injury includes all injuries serious enough to require immediate medical treatment by a physician, such as fractures and lacerations which require suturing and all other injuries which because of the circumstances or nature of the injury indicate possible abuse or neglect;

Sexual abuse includes but is not limited to any sexual penetration or sexual conduct between an individual and another person if the individual has been adjudicated legally disabled, or has a guardian, or is unable to understand the nature of the act or is unable to give knowing consent, or is injured, or alleges that there is, or there is evidence of use of force, coercion, or the exchange of money or anything of value; and

Mental injury includes use of words, signs, gestures or other actions by anyone against an individual which intimidates, demeans, harasses, causes emotional anguish or distress, ridicules, threatens, harms or will knowingly incite or precipitate maladaptive behavior on the part of an individual. Mental injury also includes exploitation, which is any act that uses individuals, their resources or their possessions for an agency employee's personal gain or for an agency's benefit.

"Accreditation." A process establishing that a program complies with nationally-recognized standards of care as set by one of the following:

Outcome Based Performance Measures Standards-for-Services-for People-with-Developmental-Disabilities (The Accreditation Council for-Services-for-Developmentally-Disabled-Persons (ACSB)), 100 West Road, Suite 406, Towson, Maryland 21204, 1993 8186

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Professional-Place-7-Suite-204-Handover-Maryland-207057-1989;

Standards Manual and Interpretive Guidelines for Behavioral Health (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1996);

Standards Manual and Interpretive Guidelines for Employment and Community Support Services for-Organizations-Serving-People-with Disabilities (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road 101--North--Wimot--Road, Tucson, Arizona 85711, 1996 1989);

1997 Hospital Accreditation Standards (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

1997 Standards for Behavioral Health Care Consolidated-Standards Manual (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996 July-17-1989);

Education Standards Programs--for--Multi-Handicapped---Students (National Accreditation Council for Agencies Serving the Blind and Visually Handicapped, 15 West 65th Street, New York, New York 10023, 1994 1979); or

1996 Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996); or

Council on Accreditation 1997 Standards for Behavioral Health Care Services and Community Support and Education Services Provisions--for--Accreditation (Council on Accreditation of Services for Families and Children, Inc. (COA), 120 Wall Street, 11th Floor 528-8th-Avenue--Suite-2202B, New York, New York 10005 10818, 1996 1987);

"Act." The Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110]. 1111-Rev-Stat-1989-91-1727 par--801-et-seq--7

"Adaptive behavior." The effectiveness or degree with which the individual approaches the standards of personal independence and social responsibility expected of the individual's age and cultural group as measured by adaptive behavior scales such as the Inventory for Client and Agency Planning (ICAP) (DLM Teaching Resources, One DLM

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Park, Allen, Texas 75002, 1986) and Scales of Independent Behavior (SIB) (DLM Teaching Resources, One DLM Park, Allen, Texas 75002, 1985).

"Authorized agency representative." A person appointed by the governing body who has responsibility for the program's administration including its content and fiscal affairs.

"Aversive procedures." The application of unpleasant or painful stimuli or stimuli that have a potentially noxious effect, contingent on the exhibition of a specific behavior that is not adaptive.

"Behavior management." Efforts to increase adaptive behaviors and to modify problem behaviors or behaviors that are not adaptive and replace them with behaviors and skills that are adaptive and socially productive.

~~"Bureau." The Department's Bureau of Certification and Licensure.~~

"Code." The Mental Health and Developmental Disabilities Code [405 ILCS 5]. ~~{iii-Rev-Stat-1989-ch-91-1/27-par-1-100-et-seq}~~

"Day." A calendar day, unless otherwise indicated.

~~"Deemed status." If a provider has been accredited by an approved accrediting body as identified in the definition of "accreditation" in this Section, the Department shall deem the provider to be in substantial compliance with specific Sections of this Part. Deemed status, however, may be nullified by a finding by the Department that the provider is in substantial non-compliance with one or more of the designated Sections.~~

"Department." The Department of Mental Health and Developmental Disabilities or successor agency.

~~"Developmental disability." A disability which is attributable to mental retardation, cerebral palsy, epilepsy or autism; or to any other condition which results in an impairment similar to that caused by mental retardation and which requires services similar to those required by mentally-retarded individuals with mental retardation. Such disability must originate before the age of 18, be expected to continue indefinitely, and constitute a substantial handicap. (Section 1-106 of the Code).~~

"Director." The Director of the Department.

"Discharge." The full release of an individual from a program.

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"Equivalency." Evidence to substantiate compliance with requirements of this Part by means other than indicated in this Part.

"Exclusion." Preventing an individual's entrance or continuation in a program due to the individual's disability, medical condition, or maladaptive behavior, or due to lack of space in the day program.

"Exploitation." Any act that uses individuals, their resources or their possessions for the provider's employee's personal gain or for the provider's benefit.

"Family." The individual's spouse, children, mother, father, sister and brother.

"Full compliance." A survey finding that a program has no identified deficiencies with the standards in this Part.

"Governing body." The provider's decision-making authority which establishes policies for the program's operation and the welfare of the individuals served.

"Guardian." The plenary or limited guardian or conservator appointed by the court for an individual over age 18 so long as the limited guardian's duties encompass concerns related to service requirements.

"Imminent risk." A situation in which individuals in a program are or may be subject to mental, physical or psychological harm which is not immediately correctable, such as environmental or safety hazards.

"Individual." A person who is applying for or receiving services in a program.

"Individual record" or "record." Materials kept chronologically by a program in the course of providing services to an individual.

"Individual services plan" or "plan." A written plan which includes an assessment of the individual's strengths and needs, a description of the services needed regardless of availability, objectives for each service, the role of the individual, guardian, significant others, and the family in the implementation, if the individual agrees to their participation. The plan shall also include a timetable for the accomplishment of objectives, and the names of the persons responsible for their implementation.

"Industrial norm." A standard of measured productivity outcomes of a specific work activity as determined by a time and motion study conducted on workers who are not impaired for the work being performed

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by age, physical or mental disability, or injury.

"Informed consent." Permission freely granted by the individual or guardian based on full disclosure to the individual or guardian of the benefits and/or liabilities of participation in specific procedures and/or services, including the releases of information, as part of the individual's services plan.

"Interdisciplinary team" or "team." A group consisting of at least the individual, parents (except when a non-legally disabled individual or a legally disabled individual's guardian does not desire them to participate), the guardian, as well as representatives of disciplines and services necessary to identify the individual's needs and to design services and alternatives to meet them. At least one member of the team shall be a qualified mental retardation professional.

"Maladaptive behavior." Actions by the individual that interrupt services, require a specific program addressing the behavior developed by the interdisciplinary team and exclude instances requiring only a verbal prompt such as "Please sit down."

"Mental retardation." "Mental-retardation." Significantly Significant subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years. (Section 1-116 of the Code)

"Moral turpitude." Moral quality of being inherently base, depraved, vile or wicked.

"Neglect." Failure to provide adequate medical or personal care or maintenance to an individual which results in physical or mental injury or in the deterioration of an individual's physical or mental condition. (Section 1-117.1 of the Code).

"Notice of violation." A report submitted by OAL the-Bureau to a provider listing the program's deficiencies with this Part as noted during a survey.

"OAL." The Department's Office of Accreditation and Licensure.

"Plan of correction." A written plan submitted by a provider to OAL the-Bureau in response to a notice of violation, which describes the steps the provider will take to bring the program into compliance, including the time-frames for completion of each step.

"Program." Services provided in non-residential facilities to adults who are developmentally disabled and require training in self-help,

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community living skills, social and leisure skills, communication or productive work.

"Progress notes." Narrative chronological documentation in an individual's record of service provided and its relationship to the plan.

"Provider." A sole proprietorship, association, partnership, corporation or organization, public or private, either for profit or not-for-profit, which operates a developmental training program under the jurisdiction of a governing body or board.

"Qualified mental retardation professional (QMRP)." A QMRP must have at least one year of experience working directly with individuals with mental retardation or other developmental disabilities and be one of the following:

A doctor of medicine or osteopathy licensed pursuant to the Medical Practice Act of 1987 [225 ILCS 60] ~~{iii-Rev-Stat-1989-350i-et-seq-}~~ ~~ch-iii-par-440-i-et-seq-}~~;

A registered nurse licensed pursuant to the ~~the~~ Illinois Nursing Act of 1987 [225 ILCS 65] ~~{iii-Rev-Stat-1989-350i-et-seq-}~~ ~~ch-iii-par-440-i-et-seq-}~~;

An occupational therapist or occupational therapist assistant certified by the American Occupational Therapy Association or other comparable body (Illinois Occupational Therapy Practice Act [225 ILCS 75] ~~{iii-Rev-Stat-1989-370i-et-seq-}~~ ~~ch-iii-par-440-i-et-seq-}~~);

A physical therapist certified by the American Physical Therapy Association or other comparable body (Illinois Physical Therapy Act [225 ILCS 90] ~~{iii-Rev-Stat-1989-370i-et-seq-}~~ ~~ch-iii-par-440-i-et-seq-}~~);

A physical therapist assistant registered by the American Physical Therapy Association or a graduate of a two-year college-level program approved by the American Physical Therapy Association or comparable body;

A psychologist with at least a master's degree in psychology from an accredited school (Clinical Psychologist Licensing Act [225 ILCS 15] ~~{iii-Rev-Stat-1989-370i-et-seq-}~~ ~~ch-iii-par-440-i-et-seq-}~~);

A social worker with a bachelor's degree from a college or university or graduate degree from a school of social work

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accredited or approved by the Council on Social Work Education or another comparable body (the ~~the~~ Clinical Social Work and Social Work Practice Act [225 ILCS 20] ~~###-Rev-Stat-1989--ch--###-par-635i-et-seq-#~~);

A speech-language pathologist or audiologist with a certificate of Clinical Competence in Speech-Language Pathology or Audiology granted by the American Speech Language Hearing Association or comparable body or meet the education requirements for licensure and be in the process of accumulating the supervised experience required for licensure (the ~~the~~ Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110] ~~###-Rev-Stat-1989--ch--###-par-790i-et-seq-#~~);

A professional recreation staff person with a bachelor's degree in recreation or in a specialty area such as art, dance, music or physical therapy;

A professional dietician registered by the American Dietetics Association; or

A human services professional with a bachelor's degree in a human services field, including, but not limited to sociology, special education, rehabilitation counseling or psychology.

"Quality assurance." A systematic and objective approach to monitoring and evaluating the appropriateness, adequacy and quality of services in order to identify and resolve problems.

"Restraint." *The direct restriction through mechanical means or personal physical force of the limbs, head or body of an individual except as part of a medically prescribed procedure for the treatment of an existing physical disorder or the amelioration of a physical handicap. The partial or total immobilization of an individual for the purpose of performing a medical or surgical procedure shall not constitute restraint.* (Section 1-125 of the Code)

"Seclusion." *Sequestration by placement of an individual alone in a room from which he or she has no means of leaving.* (Section 1-126 of the Code)

"Self-administration of medications." An individual's ability to take medications independently or with verbal prompts.

"Skills training." Activities which focus on the development of daily living skills which enable individuals to achieve independent functioning and economic self-sufficiency.

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"Substantial compliance." A determination that a surveyed program does not have a deficiency or group of deficiencies sufficient to jeopardize the health, welfare or safety of individuals or prevent their maximum development; or, when deficient, the provider has documented a plan of correction to rectify any deficiency or has an approved equivalency or waiver for it.

"Survey." A process to determine the degree of compliance with this Part which a program has maintained, including surveyor observation and an on-site examination of policies, procedures, records of individuals, written plans, and the physical plant. Interviews of individuals and staff are also a part of the survey.

"Suspension." The conditional release of an individual from a program.

"Time-out." When an individual is placed in a behavior modification program pursuant to his or her individual services plan, he or she may be removed from a situation that affords positive reinforcement to an area where reinforcement is not available for a reasonable period of time as determined by the team but not to exceed 30 minutes.

"Waiver." Department-granted exceptions to this Part on application by a provider, for a period not to exceed the duration of the current certificate.

"Work activity." The individual performs work such as contract janitorial, simulated assembly, and food service.

(Source: Amended at 21 Ill. Reg. 829, effective JUN 2 1997)

SUBPART B: PROGRAM REQUIREMENTS

Section 119.210 Exclusion, suspension or discharge of an individual

- a) Exclusion, suspension or discharge may occur due to:
- 1) The individual's desire to stop participation;
 - 2) The individual's attainment of the exit criteria;
 - 3) The individual's physical disability or medical condition which places the individual in danger; or
 - 4) Maladaptive behavior that places the individual or others in serious danger.
- b) Lack of space in a program shall not be used to suspend or discharge individuals and shall be used only to deny admission to a program that is presently filled.
- c) The provider shall refer all proposals excluding, suspending or

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discharging an individual to the team which shall determine whether the criteria in subsection (a) of this Section have been met, recommend alternative services and determine the criteria under which the individual may enter or re-enter the program.

d) Before exclusion, suspension or discharge, the team shall discuss, summarize and place in the individual's record the date and reason for this action.

e) A provider shall not suspend or discharge an individual from a program without at least a 10-day 24-hour written notice to the individual or guardian except when it is documented that the individual is dangerous to himself or herself or others and the behavior cannot be corrected through special training procedures.

f) An individual shall have the opportunity to appeal to the agency representative the provider's decision to exclude, suspend or discharge him or her in accordance with the procedures required in Section 119.235(e) of this Part.

(Source: Amended at 21 Ill. Reg. 8297, effective JUN 2 1997)

Section 119.270 Accreditation

a) Providers demonstrating current accreditation status under any of the standards of the accrediting organizations identified in the definition of "accreditation" in Section 119.120 of this Part shall be granted deemed status for the following Sections of this Part:

- 1) Section 119.200(a) and (b);
- 2) Section 119.205;
- 3) Section 119.210(a) through (d);
- 4) Section 119.215;
- 5) Section 119.220;
- 6) Section 119.225;
- 7) Section 119.230(a) and (c) through (f);
- 8) Section 119.240(a) and (c) through (h);
- 9) Section 119.245;
- 10) Section 119.250; and
- 11) Section 119.260(a) through (e), (g), (i) and (j).

b) Demonstration of current accreditation status shall be achieved by submission of a certificate of accreditation and the most recent accreditation report by the provider to the Department.

c) If the provider's accreditation status changes for any reason, the provider shall notify the Department of that change within 30 days after the effective date of the change.

(Source: Added at 21 Ill. Reg. 8297, effective JUN 2 1997)

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Section 119.305 Application for certification

a) Forms

Providers shall obtain application forms by writing to:--Bureau--of Certification--and--Bicensure,--Department--of--Mental--Health--and--Developmental--Disabilities,--4201--North--Oak--Park--Avenue,--Chicago,--IL 60634.

Office of Accreditation and Licensure

Department of Mental Health and

Developmental Disabilities

405 Stratton Building

Springfield IL 62765

b) Certification renewal

1) Each certified provider shall submit a renewal application at least 120 days before expiration of the certification. The Department shall mail an application to the provider prior to the 120 day period before expiration.

2) At--the--request--of--a--provider,--the--Department--shall--waive certification--renewal--requirements--in--this--Part--for--accredited programs--at--the--point--of--certification--renewal.

3) A--provider--accredited--under--subsection--(2)--above--shall--submit the--current--accreditation--report--by--the--accrediting--body--along with--the--application--for--certification--renewal--if--a--provider fails--or--refuses--to--submit--its--most--recent--accreditation--report along--with--its--applications,--the--Department--shall--not--waive--any certification--requirement.

2)4) Prior to recertification, OAL the-Bureau shall survey a provider that--is--not--accredited--under--subsection--(2)--above--and--an accredited--provider--which--did--not--request--a--waiver--of--the--survey requirement.

3)5) The Department shall recertify a provider in compliance with this Part for an additional one-year period.

4)6) When the Department does not approve a provider for recertification, the Department shall notify the provider, in writing, within 30 days after of the decision.

5)7) The notice shall include a clear and concise statement of the violation on which the determination is based and notice of the opportunity for a hearing in accordance with Section 119.330 of this Part.

6)8) The Department shall consider approving written requests for the development and certification of new providers when the following conditions are presented to the Department and verified:

A) The provider shall not force:

- i) The provision of a service or residential setting on an individual or guardian which does not meet the individual's needs and desires; or
- ii) Residential relocation of individuals away from

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- participating relatives;
- B) The provider demonstrates through letters of support or working agreement, a willingness to work cooperatively in coordinating services with residential service providers in the geographic area where services are provided; and
- C) The provider shall identify unserved individuals who have been assessed to be in need of developmental training.

(Source: Amended at 21 Ill. Reg. 0207, effective Jan. 2, 1997)

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- 1) Heading of the Part: Minimum Standards for Licensure of Community Residential Alternatives
- 2) Code Citation: 59 Ill. Adm. Code 113
- 3) Section Number: Adopted Action:
113.10 Amended
113.55 Amended
- 4) Statutory Authority: Implementing and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5] and Section 5 of the Community Residential Alternatives Licensing Act [210 ILCS 140/5].
- 5) Effective Date of Adopted Rules: June 25, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? This rulemaking incorporates by reference the standards of five accrediting organizations.
- 8) Date Filed in Agency's Principal Office: June 24, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: 21 Ill. Reg. 1545 (February 7, 1997).
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: The Department made the following changes in response to recommendations from the Administrative Code Division: The Administrative Code Division did not recommend any changes.

The Department made the following changes in response to recommendations from the Joint Committee on Administrative Rules: All changes recommended by the Joint Committee during the first notice period were made.

The Department made the following changes in response to public comments:
Section 113.10 - In the definition of "Accreditation", the following changes were made:

In the second subsection, the title was corrected to read "Council on Accreditation 1997 Standards for Behavioral Health Care Services and Community Support and Education Services".

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A subsection was added to include the "1996 Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996)".

"Standards Manual and Interpretative Guidelines for Employment and Community Support Services (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1996);" was added as the seventh subsection.

In the fifth subsection the name of the accrediting organization was changed to "The Council".

The Department made the following technical changes: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these rules replace an emergency rule? No
- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	IL Register Citation
113.50	Amended	21 Ill. Reg. 6689
113.140	Repealed	21 Ill. Reg. 6689

- 15) Summary and Purpose of Rules: Part 113 is being amended to apply deemed status to community providers accredited by the Joint Commission on the Accreditation of Healthcare Organizations, the Council on Accreditation of Services for Families and Children, the Accreditation Council, the Commission on Accreditation of Rehabilitation Facilities and the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped. A definition of "deemed status" has been added to Section 113.10. Section 113.55 has been amended to clarify which Sections of Part 113 are eligible for deemed status and the method by which community agencies can demonstrate current accreditation status.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Judith Hollenberg
Rules Administrator
Department of Mental Health and Developmental Disabilities
401 Stratton Building
Springfield IL 62765
Telephone (217)785-3313
FAX (217)524-8920

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The full text of the Adopted Amendment(s) begins on the next page:

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TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 113
MINIMUM STANDARDS FOR LICENSURE OF
COMMUNITY RESIDENTIAL ALTERNATIVES

Section

- 113.10 Definitions
- 113.15 Incorporation by reference
- 113.20 Application for license
- 113.30 Complaint procedures
- 113.40 Departmental inspections
- 113.45 Monitoring and evaluation
- 113.50 Administrative policies and practices
- 113.51 Application for waiver of the prohibition against employment
- 113.55 Accreditation
- 113.60 Personnel and staffing policies
- 113.70 Site, physical plant standards
- 113.80 Physical plant services
- 113.90 Food and nutrition services
- 113.100 Admission/discharge
- 113.110 Resident rights
- 113.120 Resident records
- 113.130 Resident living program
- 113.140 Unusual occurrences

AUTHORITY: Implementing and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104], Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5] and the Community Residential Alternatives Licensing Act [210 ILCS 140].

SOURCE: Emergency rule adopted and codified at 6 Ill. Reg. 7239, effective June 8, 1982, for a maximum of 150 days; emergency expired November 5, 1982; adopted at 7 Ill. Reg. 1054, effective January 19, 1983; amended at 17 Ill. Reg. 21387, effective November 29, 1993; amended at 21 Ill. Reg. 2200, effective February 1, 1997; amended at 21 Ill. Reg. 6076, effective May 5, 1997; amended at 21 Ill. Reg. 8312, effective JUN 2 1997.

Section 113.10 Definitions

As used in the Community Residential Alternatives Licensing Act and this Part, unless the context otherwise requires, the terms defined in this Section have the meanings ascribed to them herein.

"Abuse." Any physical injury, sexual abuse or mental injury inflicted

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on an individual other than by accidental means. (Section 1-101.1 of the Mental-Health-and-Developmental-Disabilities Code (Ill-Rev-Stat-1997-ch--91-1727-par-1-101:1)-(405-ILCS-5/1-101:1))

Physical injury includes all injuries serious enough to require immediate medical treatment by a physician, such as fractures and lacerations which require suturing and all other injuries which because of the circumstances or nature of the injury indicate possible abuse or neglect;

Sexual abuse includes but is not limited to any sexual penetration or sexual conduct between an individual and another person if the individual has been adjudicated legally disabled, or has a guardian, or is unable to understand the nature of the act or is unable to give knowing consent, or is injured, or alleges that there is, or there is evidence of use of force, coercion, or the exchange of money or anything of value; and

Mental injury includes use of words, signs, gestures or other actions by anyone against an individual which intimidates, demeans, harasses, causes emotional anguish or distress, ridicules, threatens, harms or will knowingly incite or precipitate maladaptive behavior on the part of an individual. Mental injury also includes exploitation, which is any act that uses individuals, their resources or their possessions for an agency employee's personal gain or for the agency's benefit.

"Access." The right to:

enter any CRA;

seek consent to communicate privately and without restriction with any resident;

communicate privately and without restriction with any resident who consents to the communication;

inspect the clinical and other records of a resident with the express written consent of the resident, and/or guardian, if appropriate;

observe all areas of the CRA except the living area of any resident who protests the observation.

"Accreditation." A process establishing that a program complies with the nationally recognized standards of care as set by one of the following:

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1997 Hospital Accreditation Standards Accreditation--Manual--for Hospitals (Joint Commission on Accreditation of Healthcare Organizations (JCAHO)), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996 ±993);

Council on Accreditation 1997 Standards for Behavioral Health Care Services and Community Support and Education Services Manual for Agency Accreditation (Council on Accreditation of Services for Families and Children (COA), 120 Wall Street, 11th Floor 520 Eighth Avenue, Suite-2202B, New York, New York 10005 ±99±9, 1996 ±992);

1997 Mental-Health Standards for Behavioral Health Care (Joint Commission on Accreditation of Healthcare Organizations (JCAHO)), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996 ±993);

1996 Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organization (JCAHO)), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

Outcome Based Performance Measures Standards--for--Services--for People--with--Disabilities (The Accreditation Council on Services for People with Disabilities--Council), 100 West Road, Suite 406, Towson, Maryland 21204, 1993 ±199--Professional-Place--Suite--2047 Handover--Maryland-207057--1998);

Standards Manual and Interpretive Guidelines for Behavioral Health for--Organizations--Serving--People--with--Disabilities (Commission on Accreditation of Rehabilitation Facilities (CARF)), 4891 East Grant Road, 10001-North-Wilmet--Road7 Tucson, Arizona 85711, 1996 ±992);

Standards Manual and Interpretive Guidelines for Employment and Community Support Services (Commission on Accreditation of Rehabilitation Facilities (CARF)), 4891 East Grant Road, Tucson, Arizona 85711, 1996); or

Education Standards (National Accreditation Council for Agencies Serving the Blind and Visually Handicapped, 15 West 65th Street, New York, New York 10023, 1994).

"Act." As used in this Part these--standards, the Community Residential Alternatives Licensing Act.

"Activity program." A specific planned program of varied group and

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individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.
Subgroups: e.g., leisure, recreation, religion, community, volunteers.

"Adaptive behavior." Standards of personal independence and social responsibility expected of the resident's age-appropriate and cultural group.

"Addition." Any construction attached to the original building which increases the area of cubic content of the building.

"Adult." A person 18 years of age or older. (Section 3 of the Act)

"Advocate." A person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

"Agency." An organizational entity which coordinates the establishment and ongoing function of a community residential alternative.

"Alteration." Any construction change or modification of an existing building which does not increase the area or cubic content of the building.

"Ambulatory resident." A person who is physically and mentally capable of walking without assistance.

"Applicant." Any person, agency, association, corporation, partnership, or organization making application for a license. (Section 3 of the Act)

"Appropriate." A term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation, and that that requirement is in substantial compliance.

"Appropriate programming." Programming which meets each resident's individual needs commensurate with his or her his/her functioning level. (Section 3 of the Act)

"Assessment." The use of an objective system with which to evaluate the physical, social, developmental, behavioral, psychosocial, etc., aspects of a resident.

"Assistance." To give help to or aid.

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"Audiologist." A person who is certified or is eligible for a Certification of Clinical Competence in audiology granted by the American Speech-Language-Hearing Association under its requirements in effect on the publication of this provision, or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

"Autism." Autism is a developmental disability which is manifested by a combination of significant disturbances in intellectual, sensory, cognitive, social, physiological, and emotional functioning and is distinguished from other related disorders by: impaired or disordered language and communication; failure to develop appropriate social relationships; ritualistic or compulsive behaviors.

"Aversive stimuli." The use of means that are unpleasant, annoying, painful, potentially damaging to body tissue or that otherwise threaten the well being of the resident such as loud noises, electric shock, and chemical irritants--etc.

"Behavior modification." Techniques to be used to change or revise current behavior patterns.

"Basement." When used in these standards, means any story or floor level below the main or street floor. When where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

"Basic care." Provides a resident with support, care and assistance necessary for that person to maintain, preserve and enhance the individual's health condition, safety and self-preservation. Basic care services are intended to assist the resident to maintain and/or improve his or her physical and developmental condition.

"'C' rating." A technical classification system used to determine flame spread ranges of interior finishes by the National Fire Protection Association (NFPA) 101, Life Safety Code. A "C" rating is considered normal residential construction.

"Cerebral palsy." A disorder dating from birth or early infancy, non-progressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorder, seizures, mental retardation, learning difficulty and behavior disorders.

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"Code." The Mental Health and Developmental Disabilities Code [405 ILCS 5].

"Community residential alternative." A group home for eight or fewer individuals with developmental disabilities (adults) who are unable to live independently but are capable of community living if provided with an appropriate level of supervision, assistance and support services. A community residential alternative may provide training and guidance to residents in the skills of daily living and shall provide opportunities for participation in community activities. A community residential alternative shall not be a medical or nursing facility. (Section 3 of the Act)

"Complainant." Any person, community residential alternative resident, staff member, relative or governmental body that files a complaint with the Department against a community residential alternative.

"Concentration." The grouping or clustering of CRA's and/or other residential alternatives in a defined area which inhibits the meeting of resident's social and physical needs through the locally available community-neighborhood resources. (Certain restrictions may be imposed by the Department on CRA locations in order to maintain a normalized distribution of CRA's in a defined area.)

"Conversion." Converting a building for use as a CRA.

"Corridor." An interior passage which is part of an exit in that it provides access to an exit.

"Corporal punishment." Painful stimuli inflicted directly upon the body.

"CRA." Acronym for community residential alternative.

"Deemed status." If an agency has been accredited by an approved accrediting body as identified in the definition of "accreditation" in this Section, the Department shall deem the agency to be in substantial compliance with specific Sections of this Part. Deemed status, however, may be nullified by a finding by the Department that the agency is in substantial non-compliance with one or more of the designated Sections.

"Dentist." Any person licensed by the State of Illinois to practice dentistry, including persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (410 Rev.-Stat.-1991; ch.-1117-par.1-290+et-seq+) [225 ILCS 25].

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"Department." *The Department of Mental Health and Developmental Disabilities or successor agency.* (Section 3 of the Act)

"*Developmental disability.*" *Disability which is attributable to mental retardation, cerebral palsy, epilepsy or autism; or to any other condition which results in impairment similar to that caused by mental retardation and which requires services similar to those required by individuals with mental retardation mentally-retarded persons. Such disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial handicap.* (Rev-Stat-1991-ch-91-1-2-par-1-106) [405 ILCS 5/1-106]

"Dietitian." A person who: is eligible for registration by the American Dietetic Association; or has a baccalaureate degree with major studies in food and nutrition, dietetics, or food service management; has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

"Director." *The Director of the Department of--Mental--Health--and Developmental--Disabilities.* (Section 3 of the Act)

"Discharge." The full release of any resident from a CRA.

"Distinct part." An entire physically identifiable unit to be established within another structure. The Department does not permit licensure of a CRA within another entity licensed by either the Department of Children and Family Services or Public Health.

"Emergency." A situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to resident(s) of a CRA.

"Epilepsy." A condition when recurrent electrical discharges in the brain disturb the normal function of the nervous system. These episodes of disturbances are called seizures. Seizures can involve a temporary loss of consciousness or temporary changes in behavior. The exact changes of behavior depend on the area of the brain which is being stimulated by the electrical discharge.

"Evaluation report." A written report filed by a qualified surveyor from the Department based on the requirement of the Community Residential Alternatives Licensing Act and the standards promulgated thereunder.

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"Financial responsibility." Sufficient assets to provide adequate services such as staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

"Goal." An expected result or condition that involves a specified period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific objectives directed toward its attainment.

"Governing body." The policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a CRA and establishes policies concerning its operation and the welfare of the residents it serves.

"Guardian." A person appointed as a guardian of the person and/or estate under the Probate Act of 1975 (Rev-Stat-1991-ch-110-1-2-par-1-1-et-seq) [755 ILCS 5].

"*Habilitation.*" *An effort directed toward the alleviation remediation of a developmental disability or toward increasing an individual's level of physical, mental, social or economic functioning, independence and self-respect independence---and---self-respect. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services through interaction and participation in the community.* (Section 1-111 of the Code) (Rev-Stat-1991-ch-91-1-2-par-1-111) [405 ILCS 5/1-111]

"Hall" or "hallway." An interior passage which provides access to a room or area from another room or area and is not part of an exit.

"Health care services." Assist the resident to maintain and/or improve his or her health and physical capabilities, such as helping the resident maintain a medication schedule, use a prosthetic or orthopedic device, plan a special diet, or reinforce an occupational or physical therapy service rendered to the resident.

"Hospitalization." The care and treatment of a resident in a hospital as an inpatient.

"Illinois Client Information System (ICIS)." A comprehensive assessment tool, used by the Department of Mental Health and Developmental Disabilities, which assembles behavioral and socio-demographic information and developmental progress, necessary for decision-making about residents' programs.

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"Individual educational program (IEP)." A written statement for each resident that provides for specific education and related services. The IEP may be incorporated into the IHP. It must be an identifiable component, separate or as part of IHP.

"Individual habilitation plan (IHP)." A written plan as defined in Section 4-309 of the *Mental-Health-and-Developmental-Disabilities Code* (1117-Rev-Stat-1991-172, par-4-309) [405 ILCS 5/4-309]. (Section 3 of the Code)

"Interdisciplinary team." Each resident's interdisciplinary team is constituted of persons drawn from, or representing, the professions, disciplines, or service areas that are relevant to identifying the resident's needs and designing programs to meet them. At least one member of the team shall be a qualified mental retardation professional.

"License." Any of the following types of licenses issued to an applicant or licensee by the Department:

"Probationary license." A license issued to an applicant or licensee which has not held a license contiguous to its application.

"Regular license." A license issued to an applicant or licensee which is in substantial compliance with the *Community-Residential Alternatives--Licensing Act* and any standards promulgated hereunder this Part. (Section 3 of the Act)

"Licensee." A person, agency, association, corporation, partnership or organization which has been issued a license to operate a community residential alternative. (Section 3 of the Act)

"Licensed practical nurse." A person with a valid current Illinois license to practice as a practical nurse. (Illinois Nursing Act of 1987 [225 ILCS 65])

"Maladaptive behavior." Impairment in adaptive behavior as determined by clinical evaluation or psychological testing. Impaired adaptive behavior may be reflected in delayed maturation or reduced learning ability or inadequate social adjustment.

"Mentally retarded and mental retardation." Significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years. Mental retardation: Significantly subaverage general intellectual functioning which exists concurrently with impairment in

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adaptive-behavior-and-which-originate-before-the-age-of-18-years-
(Section 1-116 of the Code)

"Misappropriation of property." Using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

"Mobile resident." Any resident who is not bedfast, but is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, wheeled platforms, and so forth.

"Natural family." Parents (natural or adoptive), siblings, grandparents, aunts and/or uncles.

"Neglect." Neglect: A failure failure in a community residential alternative to provide adequate medical or personal care or maintenance which failure results in physical or mental injury to a to provide adequate medical or personal care or maintenance--which failure--results--in-physical-or-mental-injury-to-a resident or in the deterioration of a resident's physical or mental condition or--in--the deterioration--of--a-resident's-physical-or-mental-condition. (Section 1-117.1 of the Code)

"New construction." A new building or addition to, or conversion of a building.

"Normalization." The principle of helping residents to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

"Nurse." A registered nurse or a licensed practical nurse as defined in the Illinois Nursing Act of 1987 (1117-Rev-Stat-1991-172-1117 par-3-501-et-seq) [225 ILCS 65].

"Objective." An expected result or condition that involves a specified period of time to achieve, that is specified in behavioral terms, and that is related to the achievement goal.

"Occupational therapist, registered (OTR)." A person who is a graduate of an occupational therapy curriculum accredited jointly by the Council on Medical Education of the American Medical Association and the American Occupational Therapy Association; or is eligible for

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certification by the American Occupational Therapy Association.

"Occupational therapy assistant." A person who is eligible for certification as a Certified Occupational Therapy Assistant (COTA) by the American Occupational Therapy Association.

"Owner." *The individual, partnership, corporation, association or other person who owns a community residential alternative. In the event a community residential alternative is operated by a person who leases the physical plant, which is owned by another person, "owner" means the person who operates the community residential alternative, except that if the person who owns the physical plant is an affiliate of the person who operates the community residential alternative and has significant control over the day-to-day operations of the community residential alternative, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under the this Act. (Section 3 of the Act)*

"Pharmacist, registered." Any person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 (1991-Ch-117-Pars.-4121-et-seq.) [225 ILCS 85].

"Physical therapist." A person licensed with the Department of Professional Regulation as a physical therapist under the Illinois Physical Therapy Act (1991-Rev.-Stat.-1991-Ch-117-Pars.-4251-et-seq.) [225 ILCS 90], and has graduated from a physical therapy curriculum approved by the American Physical Therapy Association, or by the Council on Medical Education and Hospitals of the American Medical Association, or jointly by the Council on Medical Education of the American Medical Association and the American Physical Therapy Association.

"Physical therapy assistant." A person who has graduated from a two-year college level program approved by the American Physical Therapy Association.

"Physician." Any person licensed by the State of Illinois to practice medicine in all its branches and includes any person holding a Temporary Certificate of Registration, as provided in the Medical Practice Act of 1987 (1991-Rev.-Stat.-1991-Ch-117-Pars.-4400-i-et-seq.) [225 ILCS 60].

"Plan of Correction." *A written plan submitted to the Department for violation(s) of the Community-Residential-Alternatives Licensing Act or this Part of rules-promulgated--hereunder which are*

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cited by the Department. The plan shall describe the steps that will be taken in order to bring the community residential alternative into compliance and the time-frame for completion of each step. (Section 3 of the Act)

"Psychiatrist." A person, as defined under "Physician" in this Section ~~these--standards~~, who is board eligible or board certified in psychiatry.

"Psychologist." A person licensed under the Clinical Psychologist Licensing Act (1991-Rev.-Stat.-1991-Ch-117-Pars.-5351-et-seq.) [225 ILCS 15].

"Qualified mental retardation professional (QMRP)." A QMRP must: Have at least one year of experience working directly with individuals with mental retardation or other developmental disabilities and be one of the following:

A doctor of medicine or osteopathy licensed pursuant to the Medical Practice Act of 1987 (1991-Rev.-Stat.-1991-Ch-117-Pars.-4400-i-et-seq.) [225 ILCS 60 6017];

A registered nurse licensed pursuant to the Illinois Nursing Act of 1987 (1991-Rev.-Stat.-1991-Ch-117-Pars.-3501-et-seq.) [225 ILCS 65];

An occupational therapist or occupational therapist assistant certified by the American Occupational Therapy Association or other comparable body (Illinois Occupational Therapy Practice Act (1991-Rev.-Stat.-1991-Ch-117-Pars.-3701-et-seq.) [225 ILCS 75]);

A physical therapist certified by the American Physical Therapy Association or other comparable body (Illinois Physical Therapy Act (1991-Rev.-Stat.-1991-Ch-117-Pars.-4251-et-seq.) [225 ILCS 90]);

A physical therapist assistant registered by the American Physical Therapy Association or a graduate of a two-year college-level program approved by the American Physical Therapy Association or comparable body;

A psychologist with at least a master's degree in psychology from an accredited school (Clinical Psychologist Licensing Act (1991-Rev.-Stat.-1991-Ch-117-Pars.-5351-et-seq.) [225 ILCS 15]);

A social worker with a bachelor's degree from a college or

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university or graduate degree from a school of social work accredited or approved by the Council on Social Work Education or another comparable body (the Clinical Social Work and Social Work Practice Act (###-Rev-Stat-1991-7-ch-117-par-6351-et-seq-7 [225 ILCS 10]);

A speech-language pathologist or audiologist with a certificate of Clinical Competence in Speech-Language Pathology or Audiology granted by the American Speech Language Hearing Association or comparable body or meeting the education requirements for licensure and being in the process of accumulating the supervised experience required for licensure (the Illinois Speech-Language Pathology and Audiology Practice Act (###-Rev-Stat-1991-7-ch-117-par-7901-et-seq-7 [225 ILCS 110]);

A professional recreation staff person with a bachelor's degree in recreation or in a specialty area such as art, dance, music or physical therapy;

A professional dietitian registered by the American Dietetics Association; or

A human services professional with a bachelor's degree in a human services field, including but not limited to sociology, special education, rehabilitation counseling and psychology.

"Qualified surveyor." Any individual or any governmental agency designated by the Department to survey community residential alternatives for compliance with the Community--Residential Alternatives--Licensing Act and this Part these standards. (Section 3 of the Act) Any individual designated as an agent of the Department's Quality Assurance Unit and who has successfully completed the Department's quality assurance training program for surveyors and possesses a baccalaureate degree with at least one year of paid working experience with the developmentally disabled. All qualified surveyors employed by the Department after December 1, 1993, shall meet this requirement.

"Reasonable visiting." Any time which does not interfere with normal sleeping hours or scheduled programming.

"Registered nurse." A person with a valid current Illinois registration to practice as a registered professional nurse.

"Renovate." Remodel by restoring, reconditioning or rehabilitating a structure for use as a CRA.

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"Reputable moral character." Having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, or any of its members, or of a corporation, or any of its officers, or directors, or of the person designated to manage or supervise the community residential alternative, or a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the community residential alternative is not reputable.

"Resident." An individual residing in a community residential alternative pursuant to the Community--Residential--Alternatives Licensing Act (Section 3 of the Act), and receiving services in a CRA.

"Resident living coordinator." A staff member who is at least 21 years of age is ultimately responsible for the day to day operation of the CRA and delivery of programs required to meet the needs of the residents.

"Restraint." Direct restriction through mechanical means or personal physical force of the limbs, head or body of a recipient or client, except ~~or except~~ as part of a medically prescribed procedure for the treatment of an existing physical disorder or the amelioration of a physical handicap. The partial or total immobilization of a recipient or client ~~or effort~~ for the purpose of performing a medical/surgical procedure shall not constitute restraint. (Section 1-125 of the Mental-Health-and-Developmental-Disabilities Code (###-Rev-Stat-1991-7-ch-91-1/27-par-1-125)-(405-1BGS-5/1-125))

"Safety device." Any equipment or protective devices as prescribed which prevent the residents from falling or otherwise injuring themselves.

"Seclusion." The sequestration by placement of a recipient or client ~~or client~~ alone in a room from which he or she has no means of leaving. When a recipient or client is placed in a behavior modification program pursuant to his or her individual services plan, he or she may be restricted to a given area or room for a reasonable period of time and such restriction shall not constitute seclusion. (Section 1-126 of the Mental-Health-and-Developmental-Disabilities Code (###-Rev-Stat-1991-7-ch-91-1/27-par-1-126)-(405-1BGS-5/1-126))

"Self-care services." Helps the resident perform daily living activities and personal hygiene functions such as toileting, bathing,

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grooming, and feeding.

"Speech-language pathologist." A person who is certified or is eligible for a Certification of Clinical Competence in speech-language pathology granted by the American Speech-Language-Hearing Association under its requirements in effect on the publication of this Part, or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

"Social worker, qualified." A person who:

Is licensed by the State of Illinois (registered or certified by the Illinois Department of Professional Regulation); and

Is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for bachelor's degree programs and others for master's degree); and

Has one year of social work experience in a health care setting.

"State Fire Marshal ~~fire-marshall~~." The fire marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

"Stockholder of a corporation." Any person who, directly or indirectly, beneficially owns, holds or has the power to vote, at least 5% of any class of securities issued by the corporation.

"Story." That portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

"Substantial compliance." An operation composed of a residential component and a program component, which after being surveyed does not have a deficiency, or a group of deficiencies, that taken individually, or as a group, jeopardizes those resident's health, welfare and safety. Each deficiency would also be supported by a plan of correction or equivalency that has been approved by the Department.

"Substantially handicapped." A physical or mental disability, resulting from mental retardation, cerebral palsy, epilepsy, or autism, of such severity that alone, or in connection with social, legal or economic constraints, it requires the provision of specialized services over an extended period of time directed toward the resident's social, personal, physical or economic habilitation or

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rehabilitation.

"Support services." Those services provided to residents in order to facilitate their integration into the community and to improve their level of functioning, independence and self-respect.

"Therapeutic recreation specialist." A person who is eligible for registration as a therapeutic recreation specialist by the National Therapeutic Recreation Society (branch of the National Recreation and Park Association) under its requirements in effect as of January 19, 1983. on-publication-of-this-provision

"Title XX eligibility." Under the new block grant legislation service eligibility is based on client characteristics and the need for the service rather than categorical or income eligibility. (45 CFR 96, Subpart G, 1996 1993)

"Transfer." A change in status of a resident's living arrangements from one community residential alternative to another residential alternative.

"Valid license." A license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 21 Ill. Reg. 8312, effective JUN 2 1997)

Section 113.55 Accreditation

a) Agencies Providers demonstrating current accreditation status under any of the standards of the accrediting organizations identified in the definition of "accreditation" in Section 113.10 of this Part shall be granted deemed status for the following Sections of this Part: ~~either--the--Standards--for--Services--for--People--with--Developmental Disabilities--(Council)--Standards--Manual--for--Organizations--Serving People--with--Disabilities--(CARP)--Mental--Health--Standards--Joint Commission--on--Accreditation--of--Hospitals--(JCAHO)--or--the--Manual--for Agency--Accreditation--of--Hospitals--(JCAHO)--or--the--Manual--for--Agency Accreditation--(EQA)--shall-be-deemed-to-be-in-compliance-with--Section 113-50(a)-~~

- 1) Section 113.50;
- 2) Section 113.60(a), (b), and (c)(2);
- 3) Section 113.80 (a) through (e);
- 4) Section 113.90;
- 5) Section 113.100;
- 6) Section 113.110(d) through (g) and (i);
- 7) Section 113.120; and

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- g) Section 113.130.
b) Demonstration of current accreditation status shall be achieved by submission of a certificate statement of accreditation and the most recent accreditation report by the agency to the Department.
c) If the agency's accreditation status changes for any reason, the agency shall notify the Department of that change within 30 days after the effective date of the change.

(Source: Amended at 21 Ill. Reg. 8312, effective JUN 2 1997)

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- 1) Heading of the Part: Standards and Licensure Requirements for Community-Integrated Living Arrangements
2) Code Citation: 59 Ill. Adm. Code 115
3) Section Number: Adopted Action:
115.120 Amended
115.330 Amended
115.420 Amended
4) Statutory Authority: Implementing the Community-Integrated Living Arrangements Licensing and Certification Act [210 ILCS 135] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

5) Effective Date of Adopted Rules: June 25, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Do these rules contain incorporations by reference? This rulemaking incorporates by reference the standards of five accrediting organizations.

8) Date Filed in Agency's Principal Office: June 24, 1997

9) Notice(s) of Proposal Published in Illinois Register: 21 Ill. Reg. 1563 (February 7, 1997)

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: The Department made the following changes in response to recommendations from the Administrative Code Division: The Administrative Code Division did not recommend any changes.

The Department made the following changes in response to recommendations from the Joint Committee on Administrative Rules: All changes recommended by the Joint Committee during the first notice period were made.

Department made the following changes in response to public comments:

Section 115.120 - In the definition of "Accreditation", the following changes were made:

In the second subsection the title was corrected to read "Council on Accreditation 1997 Standards for Behavioral Health Care Services and Community Support and Education Services".

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"1996 Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996)" was added as the fourth subsection.

"Standards Manual and Interpretative Guidelines for Employment and Community Support Services (Commission on Accreditation of Rehabilitation Facilities (CARF)), 4891 East Grant Road, Tucson, Arizona 85711, 1996]" was added as the seventh subsection.

In the fifth subsection, the name of the accrediting organization was corrected to read "The Council".

Line 95 - Correct zip code to read "60182"

The Department made the following technical changes: As a result of conversations with staff in the Department's Division of Clinical Services, the Department made these additional changes:

Section 115.120 - In the definition of "psychotropics", the reference to "AMA Drug Evaluations (American Medical Association, 1993 edition)" was replaced with references to "AHRF 96 Drug Information (American Society of Health-System Pharmacists, 7272 Wisconsin Avenue, Bethesda, MD 20814, 1996), Drug Information for the Health Care Professional, USPDI, 17th edition (United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, MD 20852, 1997)". After this rulemaking was proposed for first notice, the Department learned that the American Medical Association no longer publishes the AMA Drug Evaluations. These two references replace the AMA publication. The Department will inform the providers of this change when this rulemaking is adopted and issued to the providers.

In addition, the zip code in the third subsection of the definition of "accreditation" was corrected to read "60181".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace an emergency rule? No

14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	IL Register Citation
115.320	Amended	21 Ill. Reg. 6695

15) Summary and Purpose of Rules: Part 115 is being amended to apply deemed status to community providers accredited by the Joint Commission on the Accreditation of Healthcare Organizations, the Council on Accreditation of

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Services for Families and Children, the Accreditation Council, the Commission on Accreditation of Rehabilitation Facilities and the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped. A definition of "deemed status" has been added to Section 115.120. Section 115.330 has been amended to clarify which Sections of Part 115 are eligible for deemed status and the method by which community agencies can demonstrate current accreditation status. Section 115.420 is being amended to reflect the current address of the Department's Office of Accreditation and Licensure.

Various technical changes are also being made to this Part.

16) Information and questions regarding this adopted amendment shall be directed to:

Judith Hollenberg
Rules Administrator
Department of Mental Health and Developmental Disabilities
401 Stratton Building
Springfield IL 62765
217/785-3313
FAX 217/524-8920

The full text of the Adopted Amendment(s) begins on the next page:

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TITLE 59: MENTAL HEALTH
 CHAPTER I: DEPARTMENT OF MENTAL HEALTH AND
 DEVELOPMENTAL DISABILITIES

PART 115

STANDARDS AND LICENSURE REQUIREMENTS FOR COMMUNITY-INTEGRATED LIVING ARRANGEMENTS

SUBPART A: GENERAL PROVISIONS

Section
 115.100 Purpose
 115.110 Incorporation by reference
 115.120 Definitions

SUBPART B: SERVICE REQUIREMENTS

Section
 115.200 Description
 115.210 Criteria for participation of individuals
 115.215 Criteria for termination of individuals
 115.220 Community support team
 115.230 Interdisciplinary process
 115.240 Medical services and medications
 115.250 Individual rights and confidentiality

SUBPART C: GENERAL AGENCY REQUIREMENTS

Section
 115.300 Environmental management of living arrangements
 115.310 Geographic location of community-integrated living arrangements
 115.320 Administrative requirements
 115.321 Application for waiver of the prohibition against employment
 115.325 Monitoring and evaluation
 115.330 Accreditation

SUBPART D: LICENSURE REQUIREMENTS

Section
 115.400 Applicability
 115.410 Issuing a license and period of licensure
 115.420 License application
 115.430 Application acceptance and verification
 115.440 Non-transferability of license
 115.450 Cessation of operations
 115.460 License revocation
 115.470 Hearings

APPENDIX A Specific Level of Functioning Assessment and Physical Health Inventory

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AUTHORITY: Implementing the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

SOURCE: Adopted at 14 Ill. Reg. 10865, effective July 1, 1990; emergency amendment at 14 Ill. Reg. 20550, effective December 5, 1990, for a maximum of 150 days; emergency expired May 18, 1991; amended at 15 Ill. Reg. 8560, effective May 24, 1991; emergency amendment at 16 Ill. Reg. 2676, effective February 1, 1992, for a maximum of 150 days; emergency expired on June 30, 1992; amended at 17 Ill. Reg. 21434, effective November 29, 1993; amended at 21 Ill. Reg. 2205, effective February 1, 1997; amended at 21 Ill. Reg. 6085, effective May 5, 1997; amended at 21 Ill. Reg. ~~8332~~, effective ~~June 2, 1997~~.

SUBPART A: GENERAL PROVISIONS

Section 115.120 Definitions

For the purpose of this Part, the following terms are defined:

"Abuse." Any physical injury, sexual abuse or mental injury inflicted on an individual other than by accidental means. (Section 1-101.1 of the Code).

Physical injury includes all injuries serious enough to require immediate medical treatment by a physician, such as fractures and lacerations which require suturing and all other injuries which because of the circumstances or nature of the injury indicate possible abuse or neglect;

Sexual abuse includes but is not limited to any sexual penetration or sexual conduct between an individual and another person if the individual has been adjudicated legally disabled, or has a guardian, or is unable to understand the nature of the act or is unable to give knowing consent, or is injured, or alleges that there is, or there is evidence of use of force, coercion, or the exchange of money or anything of value; and

Mental injury includes use of words, signs, gestures or other actions by anyone against an individual which intimidates, demeans, harasses, causes emotional anguish or distress, ridicules, threatens, harms or will knowingly incite or precipitate maladaptive behavior on the part of an individual. Mental injury also includes exploitation, which is any act that uses individuals, their resources or their possessions for an agency employee's personal gain or for an agency's benefit.

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"Accreditation." A process establishing that a program complies with nationally-recognized standards of care as set by one of the following:

1997 Hospital Accreditation Standards Accreditation-Manual-for Hospitals (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996 1999);

Council on Accreditation 1997 Standards for Behavioral Health Care Services and Community Support and Education Services Manual for Agency--Accreditation (Council on Accreditation of Services for Families and Children (COA), 120 Wall Street, 11th Floor, 520 Eighth-Avenue--Suite-2202B, New York, New York 10005, 1996 1999);

1997 Mental-Health Standards for Behavioral Health Care (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996 1999);

1996 Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

Outcome Based Performance Measures Standards--for--Services--for People-with-Developmental-Disabilities (The Accreditation Council for Services-for-Developmentally-Disabled-Persons (Council), 100 West Road, Suite 406, Towson, Maryland 21204, 1993 1999 Professional-Placer-Suite-2047-Bandover-Maryland-20705-1999);

Standards Manual and Interpretive Guidelines for Behavioral Health for--Organizations--Serving-People--with--Disabilities (Commission on Accreditation of Rehabilitation Facilities (CARF), 101-North-Wilmet-Road 4891 East Grant Road, Tucson, Arizona 85711, 1996 1999);

Standards Manual and Interpretive Guidelines for Employment and Community Support Services (Commission on Accreditation of Rehabilitation Facilities (CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1996); or

Education Standards (National Accreditation Council for Agencies Serving the Blind and Visually Handicapped, 15 West 65th Street, New York, New York, 10023, 1994).

"Agency." A community mental health or developmental services

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organization licensed by the Department which is a sole proprietorship, association, partnership, corporation or organization, public or private, either for profit or not for profit, which certifies community-integrated living arrangements for individuals with a mental disability. (Section 3(b) of the Community-Integrated Living Arrangements Licensure and Certification Act)

"Agency supervision." Either continuous supervision or support or intermittent supervision or support as defined in this Section.

"Array of services." A range of activities and interventions designed to provide treatment, habilitation, training, rehabilitation and other community integrative supports.

"Authorized agency representative." The administrative head of an agency appointed by the agency's governing body with overall responsibility for fiscal and programmatic management.

"Aversive procedures." The application, contingent on the exhibition of a specific behavior that is not adaptive, of unpleasant or painful stimuli, or stimuli that have a potentially noxious affect.

"Bureau."--The-Department's-Bureau-of-Certification-and-Licensure-

"Certification." An affirmation by an agency that programs operated under this Part meet the Part's standards and provide services to promote community-integrated living.

"Code." The Mental Health and Developmental Disabilities Code (Ill. Rev.-Stat--1991, ch--91-1/27-par--1-100-et-seq-) [405 ILCS 5].

"Community-integrated living arrangement (CILA)." A living arrangement certified by an agency where eight or fewer individuals with a mental disability reside under the supervision of the agency and are provided with an array of services. (Section 3(d) of the Community-Integrated Living Arrangements Licensure and Certification Act)

"Community integration" or "integration into the community." On-going participation in community life including at least the following:

The amount of time spent out of the living arrangement in generic (non-disability) related activities such as church, Y.M.C.A., Y.W.C.A., education, library, clubs, shopping and amusements.

Participation in family activities and celebrations such as holidays, birthdays, reunions, communication (telephone and mail) and vacations.

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"Community support team (CST)." Staff responsible for providing and arranging for the provision of services specified in the individual integrated services plan for individuals in a community-integrated living arrangement. The team shall be composed of at least one qualified mental health professional or qualified mental retardation professional as defined in this Section, and other mental health and developmental disabilities staff who shall provide community support services in the individual's home or in other community locations where learning, working or socialization occur.

"Confidentiality Act." The Mental Health and Developmental Disabilities Confidentiality Act (1991-Rev-Stat:--1991--ch--91-1/2, par--801-et-seq) [740 ILCS 110].

"Consumer representatives." Persons representing the interests of individuals served by an agency such as family members and advocates.

"Continuous supervision or support." Direction or assistance provided to an individual under the auspices of the licensed agency on-site all the hours individuals are present.

"Day." A calendar day, unless otherwise indicated.

"Deemed status." If an agency has been accredited by an approved accrediting body as identified in the definition of "accreditation" in this Section, the Department shall deem the agency to be in substantial compliance with specific Sections of this Part. Deemed status, however, may be nullified by a finding by the Department that the agency is in substantial non-compliance with one or more of the designated Sections.

"Developmental disability." A disability which is attributable to mental retardation, cerebral palsy, epilepsy or autism; or to any other condition which results in an impairment similar to that caused by mental retardation and which requires services similar to those required by mentally-retarded individuals with mental retardation. Such disability must originate before the age of 18, be expected to continue indefinitely, and constitute a substantial handicap. (Section 1-106 of the Code)

"Department." The Department of Mental Health and Developmental Disabilities or successor agency.

"Diagnosis." A category of disability stated in accordance with either the Classification in Mental Retardation (American Association on Mental Retardation, 1719 Kalorama Road, N.W., Washington, D.C. 20009 (1992 edition), or the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, revised (DSM-IV) (1994) (American

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Psychiatric Association, 1994 1987-edition).

"Director." The Director of the Department of Mental Health and Developmental Disabilities.

"Economic self-sufficiency." The managing of financial resources which are needed to satisfy the daily needs of an individual including at least involvement in commerce, such as managing money, comparative shopping, selecting clothes, informed selection of foods, diet and purchasing and negotiating.

"Entitlements." Government-related financial benefits available to individuals who qualify on the basis of need, disability and/or income, such as Title XVIII (Medicare) (42 U.S.C.A. 1395b-1 et-seq) (1995) 1991, Title XIX (Medicaid) (42 U.S.C.A. 1396a et-seq) (1995) 1991 and Veteran's Administration benefits (38 U.S.C.A. 7 521, 541, 542, (1995) 1991).

"Equivalency." Evidence to substantiate compliance with requirements of this Part by other means than indicated in this Part.

"Family." The spouse and children and the mother, father, sister and brother of an individual.

"Governing body." The policy-making authority of an agency that establishes policies concerning the agency's operation and the welfare of individuals; provides for the agency's administration by appointing an authorized agency representative to implement its policies; and exercises general oversight of the agency's operation, its fiscal affairs and programmatic content to implement the organization's mission.

"Guardian." The plenary or limited guardian or conservator of the individual appointed by the court for an individual over age 18 so long as the limited guardian's duties encompass concerns related to service requirements, or the natural or adoptive parent of a minor or a person acting as a parent of a minor.

"Habilitation." An effort directed toward the alleviation of a developmental disability or toward increasing the level of physical, mental, social or economic functioning of an individual with a developmental disability. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, arrangement, training, education, employment related services, protective services, counseling and other services provided to individuals with a developmental disability by developmental disabilities programs. (Section 1-111 of the Code)

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"Imminent risk." A situation in which individuals being supervised by an agency are or may be subject to illness, mental or physical injury and which is not immediately correctable such as environmental or safety hazards.

"Independence in daily living." Demonstrated ability of an individual to provide for his or her own basic care without outside assistance including at least the following:

Vocational development outside the living arrangement which enables individuals to participate in the workforce such as using on-the-jobs skills, riding a bus and crossing streets.

Participation in citizenship activities such as awareness of community norms, voting and volunteering in community projects.

"Individual" or "individuals." A person or persons who receives or receive community-integrated living arrangement services.

"Individual integrated services plan" or "services plan." A written plan which includes an assessment of the individual's strengths and needs, a description of the array of services needed regardless of availability, objectives for each service, the role of the individual or guardian, significant others and family in the implementation of the plan when indicated, an anticipated timetable for the accomplishment of objectives, and the name of the person or persons responsible for the implementation of the plan.

"Individual record." Materials kept by an agency in the course of providing services to a mentally disabled individual who is receiving services in a community-integrated living arrangement concerning the individual and the services provided.

"Informed consent." Permission freely granted by the individual or guardian based on full disclosure to the individual or guardian of the benefits and/or liabilities of participation in specific procedures and/or services, including releases of information, as part of the individual's services plan.

"Interdisciplinary process." A set of steps or systems initiated to assess a mentally disabled individual's strengths and needs with input from individuals requesting and/or receiving services and from the disciplines providing or targeted to provide services in order to collaboratively develop and implement an individual integrated services plan, and to review and/or update the plan. Persons participating in the process shall include, at a minimum, the individual and his or her legal guardian, the individual's family, unless a legally competent individual chooses not to have the family

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involved or the family refuses to be involved, a qualified mental retardation professional or qualified mental health professional and other members of the community support team.

"Intermittent supervision or support." Direction or assistance provided to an individual under the auspices of a licensed agency less than 24-hours per day. When staff are not on-site, supervision shall be provided by means of 24-hour on-call availability and by a variety of alternatives or supports, such as non-disabled roommates, paid neighbors, non-paid family members and other formal or informal arrangements.

"Linkage." Person-to-person contact to assure that the supports and services needed by the individual and specified in the individual integrated services plan are obtained. The qualified mental retardation professional, qualified mental health professional or mental health professional under the supervision of the qualified mental health professional shall be responsible for assuring linkage.

"Living arrangement." An apartment, private home, multi-unit dwelling or where an individual has chosen to live or where the individual's guardian has chosen for him or her to live.

"Mental disability" or "mentally disabled." A developmental disability, a mental illness, or both.

"Mental health professional (MHP)." A mental health professional who provides services under the supervision of a qualified mental health professional(s), as defined below, in providing services specified in Subpart B of this Part to an individual and his or her family, as necessary. The mental health professional must possess a bachelor's degree in social work, sociology, psychology, counseling, rehabilitation, or art and recreation therapy or possess a practical nurse license pursuant to the Illinois Nursing Act of 1987 (411-Rev-Stat-19917-ch-1117-par-3581-et-seq) [225 ILCS 65] or have a minimum of five years of supervised experience in a mental health service.

"Mental illness." A condition that is characterized by the presence of a major mental disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition--revised (DSM-III-R) (DSM-IV) (American Psychiatric Association, 1994 1997 edition), excluding alcohol and substance abuse, Alzheimer's disease, and other forms of dementia based on organic or physical disorders and where the individual is assessed using form DMHDD-1215, "Specific Level of Functioning Assessment and Physical Health Inventory," (SLOF) to be substantially disabled due to mental illness in the areas of self-maintenance, social functioning, activities of community living

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and work skills, and the disability specified is expected to be present for a period of not less than one year.

"Mental retardation." Significantly Significant subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years. (Section 1-116 of the Code)

"Moral turpitude." Moral quality of being inherently base, depraved, vile or wicked.

"Natural environment." Locations and settings where an individual lives, works and socializes and carries out activities of daily living.

"Neglect." Failure to provide adequate medical or personal care or maintenance which failure results in physical or mental injury (as clarified in the definition of "Abuse" in this Section) to an individual or in the deterioration of an individual's physical or mental condition. (Section 1-117.1 of the Code)

"Notice of violation." A report submitted to an agency by OAL the Department's Bureau of Certification and Licensure listing the agency's deficiencies with this Part noted during a survey.

"OAL." The Department's Office of Accreditation and Licensure.

"Plan of correction." A written plan submitted by an agency to OAL the Department's Bureau of Certification and Licensure, in response to a notice of violation, which describes the steps the agency will take in order to bring a program or services into compliance, and the time-frames for completion of each step.

"Progress notes." Narrative documentation in an individual's record of service provision and its relationship to the individual integrated services plan.

"Psychotropics." Drugs used for antipsychotic, antidepressant, antimanic and/or anti-anxiety purposes as listed in the AMA-Drug Evaluations--(American Medical Association--1993-edition) AHS 96 Drug Information (American Society of Health-System Pharmacists, 7272 Wisconsin Avenue, Bethesda MD 20814, 1996), Drug Information for the Health Care Professional, USPDI, 17th edition (United States Pharmacopoeial Convention, Inc., 12601 Twinbrook Parkway, Rockville MD 20852, 1997) or the Physician's Desk Reference (PDR) (Medical Economic Company [1996] 7-1992, published annually).

"Qualified mental health professional (QMHP)." One of the following:

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A physician licensed under the Medical Practice Act of 1987 (~~111 Rev. Stat. 1991, ch. 111, par. 4400-1-et-seq.~~) [225 ILCS 60] to practice medicine or osteopathy with training in mental health services or one year of clinical experience, under supervision, in treating problems related to mental illness, or specialized training in the treatment of children and adolescents;

A psychiatrist (a physician licensed under the Medical Practice Act of 1987) who has successfully completed a training program in psychiatry approved by the American Medical Association or the American Osteopathic Association or other training program identified as equivalent by the Department;

A psychologist licensed under the Clinical Psychologist Licensing Act (~~111 Rev. Stat. 1991, ch. 111, par. 6351-et-seq.~~) [225 ILCS 15] with specialized training in mental health services;

A social worker possessing a individual's or doctoral degree in social work and licensed under the Clinical Social Work and Social Work Practice Act (~~111 Rev. Stat. 1991, ch. 111, par. 6351-et-seq.~~) [225 ILCS 20] with specialized training in mental health services;

A registered nurse licensed under the Illinois Nursing Act of 1987 (~~111 Rev. Stat. 1991, ch. 111, par. 3501-et-seq.~~) [225 ILCS 65] with at least one year of clinical experience in a mental health service or a individual's degree in psychiatric nursing;

An occupational therapist registered pursuant to the Illinois Occupational Therapy Practice Act (~~111 Rev. Stat. 1991, ch. 111, par. 3701-et-seq.~~) [225 ILCS 75] with at least one year of clinical experience in a mental health setting; or

An individual possessing a individual's or doctoral degree in counseling and guidance, rehabilitation counseling, social work, vocational counseling, psychology, pastoral counseling or family therapy, or related field, who has successfully completed a practicum and/or internship which includes a minimum of 1,000 hours, or who has one year of clinical experience under the supervision of a qualified mental health professional or who is a licensed social worker holding a individual's degree with two years of experience in mental health services.

"Qualified mental retardation professional (QMHP)." A QMRP must:

Have at least one year of experience working directly with individuals with mental retardation or other developmental disabilities and be one of the following:

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A doctor of medicine or osteopathy licensed pursuant to the Medical Practice Act of 1987;

A registered nurse licensed pursuant to the The Illinois Nursing Act of 1987;

An occupational therapist or occupational therapist assistant certified by the American Occupational Therapy Association or other comparable body (Illinois Occupational Therapy Practice Act);

A physical therapist certified by the American Physical Therapy Association or other comparable body (Illinois Physical Therapy Act (1991-Rev. Stat. 1991-CH--1117--PAR. 4251--ET--SEQ. 7) [225 ILCS 90]);

A physical therapist assistant registered by the American Physical Therapy Association or a graduate of a two-year college-level program approved by the American Physical Therapy Association or comparable body;

A psychologist with at least a individual's degree in psychology from an accredited school (Clinical Psychologist Licensing Act);

A social worker with a bachelor's degree from a college or university or graduate degree from a school of social work accredited or approved by the Council on Social Work Education or another comparable body (the Clinical Social Work and Social Work Practice Act);

A speech-language pathologist or audiologist with a certificate of Clinical Competence in Speech-Language Pathology or Audiology granted by the American Speech Language Hearing Association or comparable body or meeting the education requirements for licensure and being in the process of accumulating the supervised experience required for licensure (the Illinois Speech-Language Pathology and Audiology Practice Act (1991-Rev. Stat. 1991-CH--1117--PAR. 7901--ET--SEQ. 7) [225 ILCS 110]);

A professional recreation staff person with a bachelor's degree in recreation or in a specialty area such as art, dance, music or physical therapy;

A professional dietitian registered by the American Dietetics Association;

A human services professional with a bachelor's degree in a

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human services field, including but not limited to sociology, special education, rehabilitation counseling and psychology.

"Quality assurance." A systematic and objective approach to monitoring and evaluating the appropriateness, adequacy and quality of services in order to identify and resolve problems.

"Residence." See "living arrangement."

"Seclusion." Sequestration by placement of an individual alone in a room from which he or she has no means of leaving. When an individual is placed in a behavior modification program pursuant to his or her individual integrated services plan, he or she may be removed from a situation that affords positive reinforcement to an area where reinforcement is not available for a reasonable period of time not to exceed 30 minutes and such restrictions shall not constitute seclusion. (Section 1-126 of the Code)

"Self-administration of medications." An individual's ability to correctly take prescribed medications independently or with verbal prompts.

"Skills training." Activities which focus on the development of daily living skills which enable individuals to achieve independent functioning and economic self-sufficiency.

"Substantial compliance." An evaluation result that determines that a surveyed program or service meets the requirements set forth in this Part, or, when deficient, the program has documented a plan of correction to rectify any deficiency, or has an approved equivalency or waiver for it.

"Survey." A process to determine the degree of compliance with this Part which an agency has maintained. This includes surveyor observation and an on-site examination of the following: policies, procedures, records of individuals, written plans, and the physical plant. Interviews of individuals and staff and observation of a sample of CIAs are also a part of the survey.

"Tardive dyskinesia." An abnormal involuntary movement disorder associated with the long-term use of antipsychotic medications. It may be persistent or transient and is characterized by a variable mixture of facial, ocular, oral, lingual, truncal or limb movements.

"Time-out." Contingent removal from a situation in which reinforcement occurs into a situation from which reinforcement does not occur, for a reasonable period of time not to exceed 30 minutes.

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"Treatment." An effort to accomplish an improvement in the mental condition or related behavior of an individual. Treatment includes, but is not limited to, hospitalization, partial hospitalization, outpatient services, examination, diagnosis, evaluation, care, training, psychotherapy, pharmaceuticals and other services provided for individuals by mental health agencies or psychiatric hospitals. (Section 1-128 of the Code)

"Waiver." An action by the Department in which exceptions to this Part are granted on application by an agency for a period not to exceed the duration of the current license.

(Source: Amended at 21 Ill. Reg. 8339, effective JUN 25 1993)

SUBPART C: GENERAL AGENCY REQUIREMENTS

Section 115.330 Accreditation

a) Agencies Providers demonstrating accreditation status under any of the standards of the accrediting organizations identified in the definition of "accreditation" in Section 115.120 of this Part granted deemed status for the following Sections of this Part: either the Standards for Services for People with Developmental Disabilities (Council on Standards--Manual for Organizations--Serving People with Disabilities--(CARP)--Council on Accreditation of Services for Families and Children--(CARF)--Mental Health Standards--(CEAH)) or Accreditation Manual for Hospitals--(CEAH)) may be deemed to be in compliance with Section 115.330(a) of this Part.

- 1) Section 115.220(b) through (f);
- 2) Section 115.230(a) through (d), (e)(1) through (e)(3), (e)(4)(A) through (e)(4)(C), (e)(4)(E) and (F), (g) through (i);
- 3) Section 115.240(a) through (d) and (g) through (i);
- 4) Section 115.250(d) and (e), (g) and (h); and
- 5) Section 115.320(a) through (c), (e), (f) and (h).

b) Demonstration of current accreditation status shall be achieved by submission of a certificate statement of accreditation and the most recent accreditation report by the agency to the Department.

c) If the agency's accreditation status changes for any reason, the agency shall notify the Department of that change within 30 days after the effective date of the change.

(Source: Amended at 21 Ill. Reg. 8339, effective JUN 25 1993)

SUBPART D: LICENSURE REQUIREMENTS

Section 115.420 License application

a) Forms

- 1) Agencies shall obtain application forms to operate CILAs under this Part by writing to: Department of Mental Health and Developmental Disabilities--4201 North Oak Park--Chicago--IL 60634--Attention: Bureau of Certification and Licensure.

Office of Accreditation and Licensure

Department of Mental Health and

Developmental Disabilities

405 Stratton Building

Springfield, IL 62765

- 2) The application shall require agencies to certify that individuals being served and programs and services provided in CILAs comply with Section 4 of the Community-Integrated Living Arrangements Licensure and Certification Act, Chapter 2 of the Code, the Act and this Part. In addition, the application shall request information about:
 - A) The agency including the type of ownership, the names of all owners, partners and stockholders;
 - B) The individuals being served or to be served in the CILAs supervised by the agency including their disability and diagnosis, the kind of supervision received and whether individuals are in living arrangements owned or leased by the agency. Also, the application shall require agencies to identify if individuals are visually or hearing impaired and/or non-ambulatory;
 - C) The living arrangements used as CILAs including site addresses and telephone numbers.
- 3) The authorized agency representative shall sign and date the application forms.

b) Fees

The Department shall charge a licensure fee up to \$200 as provided by Section 4(d) of the Community-Integrated Living Arrangements Licensure and Certification Act.

c) Renewal

- 1) On Department notification, each licensed agency shall submit a signed and dated renewal application at least 120 days prior to expiration of the license.
- 2) Agencies in substantial compliance with this Part shall be relicensed for an additional three-year period.
- 3) If the Department does not approve an application for license renewal, it shall notify the applicant in writing 30 days prior to the expiration of the license.
- 4) Notice of the Department's decision not to renew a license shall include a clear and concise statement of the reason on which the determination is based and notice of the opportunity for a hearing.

(Source: Amended at 21 Ill. Reg. 8339, effective

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1) Heading of the Part: Real Estate License Act of 19832) Code Citation: 68 Ill. Adm. Code 14503) Section Number: Adopted Action:

1450.45 Amendment
1450.55 Repeal
1450.300 New Section
1450.305 New Section
1450.310 New Section
1450.315 New Section
1450.320 New Section
1450.325 New Section
1450.330 New Section
1450.335 New Section
1450.340 New Section
1450.345 New Section
1450.350 New Section
1450.355 New Section
1450.360 New Section

4) Statutory Authority: Implementing the Real Estate License Act of 1983 [225 ILCS 455] and authorized by Section 9 of the Real Estate License Act of 1983 [225 ILCS 455/9].5) Effective Date of Adopted Amendment: June 30, 19976) Does this amendment contain an automatic repeal date? No7) Does this amendment contain incorporations by reference? No8) Date Filed in Agency's Principal Office: June 23, 19979) Date Notice of Proposed Amendments was published in Illinois Register: April 18, 1997, 21 Ill. Reg. 494810) Has JCAR issued a Statement of Objections to this rule? No11) Differences between proposal and final version: The only differences are technical and formatting changes recommended by the Joint Committee on Administrative Rules.12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will this amendment replace emergency amendments currently in effect? No14) Are there any other proposed amendments pending on this Part? No

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- 15) Summary and Purpose of Rules: This rulemaking implements a new licensing program for residential real estate leasing agents, as required by the Real Estate License Act of 1983 as amended by Public Act 89-23. The new program is patterned after and integrated with the existing licensing programs for real estate brokers and salespersons. It provides for initial licensure, license renewal, continuing education, license fees, student leasing agents, and disciplinary provisions. The new program has been recommended by the Illinois Real Estate Administration and Disciplinary Board and has been endorsed by the Illinois Association of Realtors and the Chicagoland Apartment Association. The rulemaking also amends Section 1450.45(g)(10) to make the language of that subsection consistent with a language change made in Section 15 of the Real Estate License Act of 1983 by Public Act 89-706. The rulemaking also repeals Section 1450.55. That Section was an interpretation of Section 18.2 of the Real Estate License Act of 1983, which itself was repealed by Public Act 88-610.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

John Arthur
Legislative Liaison
Office of Banks and Real Estate
500 East Monroe, Suite 900
Springfield, Illinois 62701
217/782-3000 fax: 217/524-5941

The full text of the Adopted Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VIII: OFFICE

OF BANKS AND REAL ESTATE

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1450

REAL ESTATE LICENSE ACT OF 1983

SUBPART A: GENERAL RULES

Section	
1450.10	Definitions
1450.11	Educational Requirement of Broker Applicant Licensed as an Illinois Real Estate Salesperson (Renumbered)
1450.12	Educational Requirements for a Baccalaureate Degree with a Minor in Coursework in Real Estate (Renumbered)
1450.15	Salesperson and Broker Examinations
1450.17	Applications for Salespersons and Brokers Licenses by Examination
1450.18	Sponsor Card
1450.19	Inoperative Salespersons and Brokers Licenses
1450.20	Managing Broker Responsibilities
1450.25	Branch Offices
1450.30	Corporations and Partnerships
1450.40	Special Accounts (Escrow Accounts)
1450.45	Fees
1450.50	Disclosure
1450.55	Agency Disclosure Pursuant to Section 18.2 of the Act (<u>Repealed</u>)
1450.60	Employment Contracts
1450.70	Listing Agreements
1450.80	Written Agreements
1450.90	Advertising
1450.95	Unlicensed Assistants
1450.100	Discrimination
1450.110	Unworthiness or Incompetence to Act as a Broker or Salesperson
1450.120	Hearings
1450.140	Assumed Name
1450.150	Reciprocal Licensure
1450.170	Rental Finding Services
1450.175	Continuing Education
1450.180	Renewals
1450.185	Granting Variances
1450.190	Procedure to Contest An Automatic Termination
1450.195	Penalties for Criminal Acts
1450.200	Real Estate Recovery Fund

SUBPART B: SCHOOL RULES

Section

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- 1450.210 Approval of Schools (Repealed)
 1450.215 Home Study/Correspondence Programs
 1450.220 Definition of Class Hour and Credit Hour (Repealed)
 1450.230 Educational Requirement of Broker Applicant Who is a Licensed Illinois Real Estate Salesperson (Renumbered)
 1450.240 Class Attendance Requirements
 1450.250 Requirements for Minor in Real Estate (Renumbered)
 1450.260 Qualification of Applicants Under 21 Years of Age (Repealed)
 1450.270 Educational Requirements for Reinstatement of License (Repealed)
 1450.275 Recruitment at Test Center
 1450.280 Approval of Schools
 1450.290 Withdrawal of Approval

SUBPART C: LEASING AGENT RULES

Section

- 1450.300 Definitions
1450.305 General Provisions
1450.310 Examination Requirement
1450.315 Education Requirement
1450.320 Sponsor Card
1450.325 Issuance of License
1450.330 Termination of Employment of Licensee
1450.335 Student Leasing Agent
1450.340 Renewal of License
1450.345 Continuing Education Requirement
1450.350 Fees
1450.355 Approved Courses, Course Sponsors, and Instructors
1450.360 Leasing Agent Disciplinary Provisions

APPENDIX A Penalties for Criminal Acts (Repealed)

AUTHORITY: Subpart A implementing Sections 9 and 15 of the Real Estate License Act of 1983 [225 ILCS 455/9 and 15] (see PA 89-23, effective July 1, 1995), and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)]; Subpart B implementing Sections 4(17) and 11 of the Real Estate License Act of 1983 [225 ILCS 445/4(17) and 11] (see PA 89-23) and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations for the Administration of the Real Estate Brokers and Salesmen License Act (General Rules), effective December 4, 1974; Rules and Regulations for the Administration of the Real Estate Brokers and Salesmen License Act (School Rules), effective July 29, 1974; amended at 3 Ill. Reg. 885, effective February 2, 1979; amended at 4 Ill. Reg. 195, effective August 12, 1980; amended at 5 Ill. Reg. 5343, effective May 6, 1981; amended at 5 Ill. Reg. 8541, effective August 10, 1981; codified at 5 Ill. Reg. 11064; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a

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maximum of 150 days; emergency amendment at 6 Ill. Reg. 2406, effective February 3, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8221, effective July 1, 1982; amended at 9 Ill. Reg. 341, effective January 3, 1985; transferred from Chapter I, 68 Ill. Adm. Code 450 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1450 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2977; amended at 12 Ill. Reg. 8036, effective April 26, 1988; amended at 15 Ill. Reg. 10416, effective July 1, 1991; amended at 16 Ill. Reg. 3204, effective February 14, 1992; emergency amendment at 19 Ill. Reg. 12003, effective August 8, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16623, effective December 1, 1995; amended at 20 Ill. Reg. 6492, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. 3602, effective March 7, 1997; amended at 21 Ill. Reg. 8350, effective June 3, 1997.

SUBPART A: GENERAL RULES

Section 1450.45 Fees

a) License of real estate salesperson.

- 1) The fee for an initial license as a salesperson is \$100. The fee must accompany the application to determine the applicant's fitness to receive a license.
- 2) The fee for renewal of a salesperson's license which has not expired shall be calculated at the rate of \$25 per year.
- 3) The fee for the renewal of a salesperson's license which has been expired for not more than 5 years, as provided for in Section 13.2 of the Act, is the sum of all lapsed renewal fees plus \$50.

b) License of Broker.

- 1) The fee for an initial license as a broker is \$100. The fee must accompany the application to determine an applicant's fitness to receive a license.
 - 2) The fee for the renewal of a broker's license which has not expired shall be calculated at the rate of \$50 per year.
 - 3) The fee for the renewal of a broker's license which has been expired for not more than 5 years, as provided for in Section 13.2 of the Act, is the sum of all lapsed renewal fees plus \$50.
- c) License of partnership, limited liability company, or corporation.
- 1) The fee for an initial license for a partnership, limited liability company, or corporation is \$100. The fee must accompany the application to determine an applicant's fitness to receive a license.
 - 2) The fee for the renewal of a license for a partnership, limited liability company, or corporation shall be calculated at the rate of \$50 per year.
 - 3) The fee for the renewal of a license for a partnership, limited

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liability company or corporation which has been expired is the sum of all lapsed renewal fees plus \$50.

- d) License for Branch Office.
 - 1) The fee for an initial license for a branch office is \$100. The fee must accompany the application to determine an applicant's fitness to receive a license.
 - 2) The fee for the renewal of a branch office license shall be calculated at the rate of \$50 per year.
 - 3) The fee for the renewal of a branch office license which has been expired is the sum of all lapsed renewal fees plus \$50.
- e) Real Estate School and Instructor Fees.
 - 1) The fee for an application for initial approval of a private, business, or vocational real estate school is \$1,000. The fee must accompany the application to determine an applicant's fitness to receive a license.
 - 2) The fee for renewal of approval of a private, business, or vocational real estate school shall be calculated at the rate of \$500 per year.
 - 3) The fee for the renewal of approval of a private, business, or vocational real estate school which has been expired is the sum of all lapsed renewal fees plus \$50.
 - 4) The fee for an application for initial approval of a branch for a private, business, or vocational real estate school is \$150 per branch. The fee must accompany the application to determine an applicant's fitness to receive approval.
 - 5) The fee for renewal of approval of a branch for a private, business, or vocational real estate school shall be calculated at the rate of \$75 per branch per year.
 - 6) The fee for the renewal of approval of a branch for a private, business, or vocational real estate school which has been expired is the sum of all lapsed renewal fees plus \$50.
 - 7) The fee for transferring a branch location shall be \$25 per transfer.
 - 8) The fee for application for initial approval of a private, business, or vocational real estate school instructor is \$50. The fee must accompany the application to determine the applicant's fitness for approval.
 - 9) The fee for renewal of approval of a private, business, or vocational real estate school instructor shall be calculated at the rate of \$25 per year.
 - 10) The fee for the renewal of approval of a private, business, or vocational real estate school instructor which has been expired is the sum of all lapsed renewal fees plus \$50.
- f) Continuing Education Sponsor and Instructor Fees.
 - 1) The fee for an application for initial approval as a continuing education sponsor shall be \$2,000. The fee must accompany the application to determine an applicant's fitness for approval.
 - 2) The fee for renewal of approval as a continuing education sponsor

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- shall be \$2,000.
- 3) The fee for renewal of approval as a continuing education sponsor which has expired shall be the sum of all lapsed renewal fees plus \$50.
- 4) The fee for an application for initial approval as a continuing education instructor shall be \$15. The fee must accompany the application to determine an applicant's fitness to receive approval.
- 5) The fee for renewal of approval as a continuing education instructor shall be \$15.
- 6) The fee for the renewal of approval as a continuing education instructor which has been expired is the sum of all lapsed renewal fees plus \$50.
- g) General.
 - 1) All fees paid pursuant to the Act and this Section are non-refundable.
 - 2) The fee for the issuance of a duplicate license or pocket card, for the issuance of a replacement license or pocket card for a license or pocket card which has been lost or destroyed, for the issuance of a license with a change of name or address other than during the renewal period, or for the issuance of a license with a change of location of business is \$25.
 - 3) The fee for a certification of a licensee's record for any purpose is \$25.
 - 4) The fee for a wall license showing registration shall be the cost of producing such license.
 - 5) The fee for a roster of persons licensed as brokers or sales persons in this State shall be the cost of producing such a roster.
 - 6) Applicants for an examination as a broker, salesperson, or real estate instructor shall be required to pay a fee covering the cost of providing the examination. If a designated testing service is utilized for the examination, such fee shall be paid directly to the designated testing service. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged, shall result in the forfeiture of the examination fee.
 - 7) The fee for requesting a waiver of continuing education requirements pursuant to Section 37.8 of the Act shall be \$25.
 - 8) The fee for processing a sponsor card other than at the time of original licensure is \$25.
 - 9) The fee for furnishing a record of proceedings provided for in subsection (h) of Section 20 of this Act or for certifying the record referred to in Section 21 of the Act is \$1 per page of the record.
 - 10) Pursuant to Section 15 of the Act, the fee for an initial license and a renewal license for real estate salespersons and real

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estate brokers shall include a \$10 fee for deposit in the Real Estate Recovery Fund and a \$5 fee for deposit in the Real Estate Research and Education Fund.

11) Pursuant to Section 15 of the Act, the fee for an initial license for a partnership or corporation shall include a \$10 fee for deposit in the Real Estate Recovery Fund and a \$5 fee for deposit in the Real Estate Research and Education Fund.

12) Pursuant to Section 15 of the Act, the fee for an initial license for a branch office shall include a \$5 fee for deposit in the Real Estate Research and Education Fund.

(Source: Amended at 21 Ill. Reg. 8357, effective June 1, 1997)

Section 1450.55 Agency Disclosure Pursuant to Section 18.2 of the Act (Repealed)

a) All disclosures shall be made in writing at or before the time of the first significant contact and shall be dated. However, if the first such contact is by telephone or in a similar manner, then oral disclosure should be made at that time and confirmed by written disclosure as required by this Section.

1) For the agent of a prospective buyer, "significant contact" shall mean the time at which the agent contacts the seller or seller's agent on behalf of one or more prospective buyers concerning the availability, price, condition of, or a showing of, a particular property or properties.

2) For the agent of a seller, "significant contact" shall mean the following:

A) the beginning of the showing of real property to the prospective buyer other than at an open house;

B) the beginning of the preparation of an offer to purchase real property for the prospective buyer; or

C) the beginning of an agent's prequalifications of a prospective buyer to determine the prospective buyer's financial ability to purchase real estate or the agent's request for specific financial information from a prospective buyer to determine ability to purchase or finance real estate in a particular price range.

3) Written disclosure may be provided in person, by mail, telex, or other similar means sufficient to satisfy the written notice requirement of this Section (i.e., electronic mail, telegram).

b) The prospective buyer or seller shall be provided with a copy of the disclosure and the employing broker shall retain a copy of the disclosure in the employing broker's files.

c) Disclosure to a seller can be made through the seller's agent.

d) The listing office is not required to make disclosure to a prospective buyer unless the listing office has significant contact with the

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prospective buyer.

e) The office that holds the listing is not required to ensure that a cooperating office has complied with the disclosure requirements of the Act.

f) A written disclosure of agency must be made to a prospective buyer even though the licensee or licensee's employing broker has previously entered into a written agreement with the prospective buyer to represent the prospective buyer if the licensee is acting as the agent of the seller in regard to a particular property or transaction in which the prospective buyer is involved.

g) The written disclosure of agency to the seller or prospective buyer can be a general disclosure and does not need to be site or party specific unless:

1) As to a prospective buyer, the licensee is a seller's agent as to some properties and an agent of the buyer in regards to the purchase of other properties.

2) As to a seller, the licensee is a subagent or cooperating agent of the seller as to some prospective buyers and an agent of the buyer as to other prospective buyers.

h) Section 18.2 of the Act does not apply to lease or rental transactions unless the lease or rental agreement includes an option to purchase the real property.

i) Disclosure of a licensee's interest as a principal in a transaction shall satisfy the agency disclosure requirements of the Act.

j) A licensee selling real property at auction may make the disclosure required by Section 18.2 of the Act by including that disclosure in advertising or in information sheets distributed to bidders at the time of the auction.

k) No disclosure of an agency relationship need be made by a licensee when the licensee is merely making a referral of a prospective buyer or seller to another real estate brokerage entity even though consideration or compensation is or may be paid to the referring licensee unless the licensee has significant contact with the prospective buyer or seller.

(Source: Repealed at 21 Ill. Reg. 8357, effective June 1, 1997)

SUBPART C: LEASING AGENT RULES

Section 1450.300 Definitions

As used in this Subpart:

"Act" means the Real Estate License Act of 1983 [225 ILCS 455] unless the context clearly indicates otherwise.

"Class hour" means a minimum of 50 minutes of lecture in a program

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approved by the Commissioner.

"Commissioner" means the Commissioner of Banks and Real Estate.

"Employee" or other derivative of the word "employee", when used to refer to, describe, or delineate the relationship between a real estate broker and a leasing agent licensee, shall be construed to include an independent contractor relationship provided that there exists a written agreement clearly establishing and stating such a relationship.

"Director" means the Director of Real Estate in the Office of Banks and Real Estate.

"Leasing agent" means an individual employed by a real estate broker to engage solely in activities relating to leasing residential real estate for which a license issued by the Office of Banks and Real Estate is required under the Act.

"Real Estate Administration and Disciplinary Board" or "Board" means the Real Estate Administration and Disciplinary Board created by Section 9 of the Act.

"Real Estate Education Advisory Council" or "Council" means the Real Estate Education Advisory Council created by Section 37.2 of the Act.

"Sponsoring broker" means a broker issuing a sponsor card to a licensed leasing agent.

"Sponsor card" means the card issued by a real estate broker certifying that the person named thereon is employed by or associated by written agreement with the real estate broker as a licensed leasing agent.

(Source: Added at 21 Ill. Reg. 3350, effective JUN 2 1997)

Section 1450.305 General Provisions

- a) The purpose of this Subpart C is to provide for the implementation and administration of the provisions of the Real Estate License Act of 1983 creating a limited scope license for residential real estate leasing agents. A leasing agent license shall enable a licensee to engage in residential leasing activities for which a license currently is required under the Act. Such activities include leasing or renting residential real property; collecting rent for the use of residential real property; and attempting, offering, or negotiating to lease, rent or collect rent for the use of residential real property.

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- b) A licensed leasing agent shall not engage in any licensed activities other than those activities relating to the leasing of residential real property. A licensed leasing agent may not offer or negotiate the sale or exchange of real estate, or engage in any other activities described in Section 4 of the Act not relating to the leasing of residential real estate.
- c) No person other than a duly authorized broker, salesperson, or leasing agent shall engage in, for compensation, residential leasing activities for which a license is required under the Real Estate License Act.
- d) No leasing agent licensee may accept compensation for the performance of leasing agent activities except from the sponsoring broker by whom the licensee is employed.

3350 -

(Source: Added at 21 Ill. Reg. 3350, effective JUN 2 1997)

Section 1450.310 Examination Requirement

- a) An individual wishing to apply for a leasing agent license must first successfully complete an examination administered by the Office of Banks and Real Estate or its designated testing service. Persons wishing to take the examination shall apply to the Office of Banks and Real Estate on forms provided by the Office of Banks and Real Estate or its designated testing service. The application for examination shall include the following:
- 1) proof that the individual is at least 18 years of age;
 - 2) certification that the individual has successfully completed a four year course of study in a high school or secondary school or an equivalent course of study approved by the Illinois State Board of Education (e.g., GED); and
 - 3) proof that the individual has successfully completed at least 15 class hours of study as set forth in Section 1450.315 of this Subpart.
- b) The examination shall be prepared by the Office of Banks and Real Estate or its designated testing service and shall be sufficient to demonstrate an individual's knowledge of the provisions of the Act relating to leasing agents and an individual's competence to engage in the activities of a licensed leasing agent.
- c) The Office of Banks and Real Estate or its designated testing service shall conduct such examinations at such times and places as the Office of Banks and Real Estate shall approve.
- d) If a person who has received a passing score on the examination fails to file an application and meet all requirements for a leasing agent license within one year after receiving a passing score on such examination, credit for such examination shall terminate. Such person thereafter may make a new application for examination.
- e) If an individual has failed the examination three times, the

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individual must repeat the education requirement set forth in Section 1450.315 prior to taking the examination again.

(Source: Added at 21 Ill. Reg. 8350, effective JUN 9 1997)

Section 1450.315 Education Requirement

Prior to applying for a leasing agent license, an individual must successfully complete at least 15 hours of instruction approved by the Office of Banks and Real Estate. Approved courses shall cover the following subject areas:

- a) provisions of the Real Estate License Act of 1983 relating to leasing activities, including instruction in the activities leasing agents are authorized to engage in within the scope of their license and the general requirements and disciplinary provisions of the Real Estate License Act of 1983;
- b) fair housing laws and issues;
- c) advertising and marketing;
- d) leases, applications, and credit reports;
- e) owner-tenant relationships and owner-tenant laws and issues; and
- f) fiduciary responsibilities and handling of funds.

(Source: Added at 21 Ill. Reg. 8350, effective JUN 9 1997)

Section 1450.320 Sponsor Card

a) Except for a student leasing agent as provided in Section 1450.335 of this Subpart, no leasing agent license applicant may engage in the activities of a licensed leasing agent until a valid sponsor card has been issued to such applicant.

b) A sponsoring broker shall prepare upon forms provided by the Office of Banks and Real Estate and deliver to each leasing agent employed by the broker a sponsor card certifying that the person whose name appears thereon is in fact employed by that broker, and that the applicant has not practiced as a student leasing agent for more than 120 days.

c) A sponsor card properly issued pursuant to this Section shall serve as a temporary permit allowing the sponsored individual to engage in practice as a leasing agent until the applicant is issued a leasing agent license. An applicant may practice under a sponsor card temporary permit for a maximum of 45 days.

d) A licensed real estate broker may issue a sponsor card to an individual only in the following circumstances:

- 1) upon presentation of a leasing agent examination pass score report which states that the broker may issue a sponsor card; or
- 2) upon presentation of an original leasing agent license endorsed by the broker by whom the leasing agent was previously employed.

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e) The issuing broker shall, within 24 hours after issuance of the sponsor card, submit the following to the Office of Banks and Real Estate by certified or registered mail, return receipt requested.

1) For applicants for an initial leasing agent license:

- A) a copy of the sponsor card;
- B) a leasing agent examination pass score report which states that the broker may issue a sponsor card;
- C) a leasing agent license application that is signed by the applicant and on which all questions have been answered; and
- D) the license application fee required by Section 1450.350.

2) For persons already holding a leasing agent license:

- A) a copy of the sponsor card; and
- B) the properly endorsed leasing agent license and pocket card of the sponsored licensee.

f) A broker issuing a sponsor card shall retain a copy of the sponsor card until such time as the leasing agent license is received and properly displayed in the broker's office.

(Source: Added at 21 Ill. Reg. 8350, effective JUN 9 1997)

Section 1450.325 Issuance of License

a) The Office of Banks and Real Estate shall, within 30 days after receipt of the copy of the sponsor card and other documentation submitted by the issuing broker, issue a leasing agent license and a pocket card to the sponsored licensee or notify the applicant why such license cannot be issued.

b) A leasing agent license shall be conspicuously displayed in the sponsoring broker's office. Each licensee shall carry on the licensee's person the licensee's pocket card or, if a pocket card has not yet been issued, a properly issued sponsor card, when engaging in any licensed activity. The licensee shall display such pocket card or sponsor card upon demand.

(Source: Added at 21 Ill. Reg. 8350, effective JUN 9 1997)

Section 1450.330 Termination of Employment of Licensee

a) Upon termination of employment of a leasing agent licensee, the sponsoring broker shall immediately:

- 1) endorse the leasing agent's license as provided on that document;
- 2) submit a photocopy of the endorsed license to the Office of Banks and Real Estate within 24 hours after termination by certified mail, return receipt requested;
- 3) retain a copy of the endorsed license at least until the expiration date printed on that license; and

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- 4) give the original endorsed license to the licensee.
 b) Once a license is endorsed, the leasing agent licensee is prohibited from practicing until such time as the licensee is again issued a properly completed sponsor card.

(Source: Added at 21 Ill. Reg. 8350, effective JUN 9 1999)

Section 1450.335 Student Leasing Agent

- a) The purpose of this Section is to allow for a person to temporarily perform leasing agent activities concurrently with taking the courses and meeting the other requirements of the Act and this Subpart to obtain a leasing agent license. A person shall not practice as a student leasing agent more than once in any 24 month period. A person who has been a leasing agent licensee within the past 24 month period shall not practice as a student leasing agent.
 b) Notwithstanding other provisions of this Subpart, a person may engage in residential leasing activities for which a license is required, for a period of 120 consecutive days without being licensed, by following the provisions of this Section.
 c) A person engaging in practice under the provisions of this Section shall be designated a "student leasing agent". A person shall not practice as a student leasing agent without following all the provisions of this Section. A student leasing agent shall comply with all provisions of the Act and this Subpart as if the student leasing agent were a licensee, and shall be subject to standards of practice and disciplinary provisions as if the student leasing agent were a licensee. A broker supervising a student leasing agent shall be responsible for the activities and actions of a student leasing agent as if the student leasing agent were a leasing agent licensee.
 d) Within 24 hours after employing a student leasing agent, a broker shall submit the following information to the Office of Banks and Real Estate on forms provided by the Office of Banks and Real Estate:
 1) the name, address and such other information as is requested by the Office of Banks and Real Estate to identify the student leasing agent;
 2) certification by the student leasing agent that the applicant has not been a leasing agent licensee within the past two years and that the applicant has not been a student leasing agent within the past two years;
 3) certification that the student leasing agent is at least 18 years of age;
 4) certification that the student leasing agent has successfully completed a four year course of study in a high school or secondary school or an equivalent course of study approved by the Illinois State Board of Education (e.g., GED); and
 5) Certification that the student leasing agent is at the time of

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application, or will be within a period of 90 days, enrolled in a leasing agent course of instruction approved by the Office of Banks and Real Estate.

- e) Upon expiration of the 120 day student leasing agent period, the student leasing agent shall immediately cease engaging in leasing agent activities unless the person has been issued a regular leasing agent sponsor card or a leasing agent license.

(Source: Added at 21 Ill. Reg. 8350, effective JUN 9 1999)

Section 1450.340 Renewal of License

- a) Every leasing agent license issued under the Act shall expire on July 31 of each even-numbered year. The holder of such license may renew such license during the 60 day period ending on the expiration date thereof by completing and submitting a renewal application, on forms provided by the Office of Banks and Real Estate, complying with the continuing education requirements set forth in Section 1450.345 and by paying the renewal fee set forth in Section 1450.350 of this Subpart. It is the responsibility of each licensee to notify the Office of Banks and Real Estate of any change of address. Failure to receive a renewal form from the Office of Banks and Real Estate shall not constitute an excuse for failure to pay the renewal fee or to renew a license.
 c) Practicing or offering to practice on an expired license shall constitute unlicensed or unauthorized practice and shall be grounds for discipline.
 d) A licensee may renew a leasing agent license after the expiration date of the license, except as provided in subsection (e) of this Section, by meeting all the regular renewal requirements and by paying the regular renewal fee and an additional late renewal fee as set forth in Section 1450.350.
 e) A leasing agent license which has not been renewed during the 24 month period after the license has expired shall not be renewed. The holder of such an expired license may apply for a leasing agent license by meeting the requirements and paying the fees required of an applicant for an initial leasing agent license as set forth in this Subpart C.

(Source: Added at 21 Ill. Reg. 8350, effective JUN 9 1999)

Section 1450.345 Continuing Education Requirement

- a) Beginning with the July 31, 2000 renewal of licenses for leasing agents, and for every renewal thereafter, each leasing agent licensee shall complete during the 24 month period prior to that renewal a minimum of six hours of continuing education (CE) that is relevant to

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leasing residential real property and is approved by the Real Estate Education Advisory Council. Approved courses shall, at a minimum, cover recent changes in the Act and other laws affecting the leasing of residential real estate and material regarding fair housing laws relating to the leasing of residential real property.

- b) A renewal applicant is not required to comply with these requirements for the first renewal following the original issuance of the applicant's leasing agent license.
- c) Continuing education sponsors (course providers), instructors, and courses must be approved by the Office of Banks and Real Estate as provided in Section 1450.355.

d) Licensee compliance with CE requirements shall be certified pursuant to the following provisions.

- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements of this Section.
- 2) The Office of Banks and Real Estate may, in the context of compliance audits, require additional evidence demonstrating compliance with the CE requirements (e.g., a certificate of attendance). It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance.
- 3) In the context of a compliance audit, the Office of Banks and Real Estate shall accept verification (e.g., original transcript, certificate of attendance) submitted directly from a course provider on behalf of a renewal applicant as proof of CE compliance.
- 4) When there appears to be a lack of compliance with CE requirements, a licensee shall be subject to discipline pursuant to Section 1450.175.

- e) The Office of Banks and Real Estate shall conduct random audits pursuant to Section 1450.175 to verify compliance with this Section.

(Source: Added at 21 Ill. Reg. 3350, effective JUN 2 1997)

Section 1450.350 Fees

The following fees, which are non-refundable, shall be payable to the Office of Banks and Real Estate for deposit in the Real Estate License Administration Fund.

- a) The application fee for an initial leasing agent license shall be \$50.
- b) The application fee to renew a leasing agent license shall be \$25 per year, for a total of \$50 per renewal period.
- c) The late renewal fee for leasing agent licenses renewed pursuant to Section 1450.340 after the expiration date of the license shall be \$50.
- d) Applicants to take the leasing agent exam shall pay a fee covering the cost of providing the examination. If a designated testing service is utilized for the examination, such fee shall be paid directly to the

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testing service. Failure to appear for the exam after the applicant's application for examination and fee have been acknowledged shall result in the forfeiture of the examination fee.

- e) The fee for issuing a student leasing agent sponsor card shall be \$25.

(Source: Added at 21 Ill. Reg. 3350, effective JUN 2 1997)

Section 1450.355 Approved Courses, Course Sponsors, and Instructors

All pre-license education courses, continuing education courses, course sponsors, and course instructors relating to leasing agent licensure must be approved by the Real Estate Education Advisory Council and licensed pursuant to Sections 1450.175 and 1450.280 of this Part.

(Source: Added at 21 Ill. Reg. 3350, effective JUN 2 1997)

Section 1450.360 Leasing Agent Disciplinary Provisions

- a) The Office of Banks and Real Estate and the Real Estate Administration and Disciplinary Board shall exercise the same powers and have the same duties to administer and enforce the leasing agent provisions of the Act and this Subpart as they exercise or have in administering and enforcing any other provisions of the Act.

- b) The procedures for investigating and taking action against a person who has violated, or is accused of violating, the leasing agent provisions of the Act and this Part shall be carried out to the same extent and in the same manner as violations are investigated, heard, and acted upon under Article 1, Article 3, and Article 4 of the Act and this Part, including procedures for the investigation of complaints, notices to licensees, the hearing process by the Real Estate Administration and Disciplinary Board, and disciplinary action taken by the Board and Office of Banks and Real Estate. The appeal of decisions by the Board and Office of Banks and Real Estate shall be carried out as provided in Article 1, Article 3, and Article 4 of the Act and this Part.

(Source: Added at 21 Ill. Reg. 3350, effective JUN 2 1997)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Bank Branches
- 2) Code Citation: 38 Ill. Adm. Code 305
- 3) Section Number: Adopted Action:
 305.10 Amendment
 305.20 Amendment
 305.30 Repeal
 305.40 Repeal
- 4) Statutory Authority: Implementing Section 5(15) and authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/5(15) and 48(6)].
- 5) Effective Date of Adopted Amendment: June 24, 1997
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 23, 1997
- 9) Date Notice of Proposed Amendments was published in Illinois Register: April 4, 1997, 21 Ill. Reg. 4290
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: The only differences are technical and formatting changes recommended by the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending on this Part? No
- 15) Summary and Purpose of Rules: The Office of Banks and Real Estate (OBRE) is amending its rule requiring state banks to notify OBRE of the anticipated establishment of a bank branch. As amended, the rule would require notice to OBRE 30 days prior to the opening of the branch. The rulemaking also would permit the establishing bank to submit a copy of its federal branch application to meet the notice requirement of this Part.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

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John Arthur
 Legislative Liaison
 Office of Banks and Real Estate
 500 East Monroe, Suite 900
 Springfield, Illinois 62701
 217/782-3000 fax: 217/524-5941

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATEPART 305
BANK BRANCHES

Section

305.10

Definitions

305.20 Procedure to Establish and Maintain a Bank Branch

305.30 Acknowledgment by the Office of Banks and Real Estate (Repealed)

305.40 Date a Branch is Established and Maintained (Repealed)

AUTHORITY: Implementing Section 5(15) and authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/5(15) and 48(6)].

SOURCE: Adopted at 12 Ill. Reg. 11178, effective August 8, 1988; recodified from Chapter II, Commissioner of Banks and Trust Companies, to Chapter II, Office of Banks and Real Estate, pursuant to P.A. 89-508, at 20 Ill. Reg. 12645; amended at 21 Ill. Reg. 8367, effective

JUN 2 1997

Section 305.10 Definitions

"Act" means the Illinois Banking Act [205 ILCS 5] as now or hereafter amended.

"Appropriate federal banking agency" means the Federal Deposit Insurance Corporation, the Federal Reserve Bank of Chicago or the Federal Reserve Bank of St. Louis.

"Bank" means a state bank or a national bank.

"Notice" means a copy of the state bank's application to its appropriate federal banking agency for approval to establish a branch the form prescribed by the Office of Banks and Real Estate and filed by a state bank seeking to establish and maintain a bank branch and which requests such information as the office shall deem appropriate to be estimated--fixed--assets--and--operating--expenses--of--the--bank branch.

"Office" means the Office of Banks and Real Estate.

"State bank" means a bank that has a banking charter issued under the Act.

(Source: Amended at 21 Ill. Reg. 8367, effective

JUN 2 1997)

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Section 305.20 Procedure to Establish and Maintain a Bank Branch

A state bank seeking to establish and maintain a bank branch must file a Notice with the Office of Banks and Real Estate not less more than 30 21 calendar days before after the purchasing or leasing of land, building or equipment for the bank branch begins doing business.

(Source: Amended at 21 Ill. Reg. 8367, effective

JUN 2 1997)

Section 305.30 Acknowledgment by the Office of Banks and Real Estate (Repealed)

The Office of Banks and Real Estate shall acknowledge a state bank seeking to establish and maintain a bank branch within 30 days of receipt of a complete Notice if it is found that the provisions of Section 5(15) of the Act (205 ILCS 5/5(15)) have been complied with.

(Source: Repealed at 21 Ill. Reg. 8367, effective

JUN 2 1997)

Section 305.40 Date a Branch is Established and Maintained (Repealed)

A bank branch shall be deemed to be established and maintained at the time all necessary bank regulatory approvals (i.e., Federal Deposit Insurance Corporation, Federal Reserve Bank, Office of the Comptroller of the Currency) are issued to the bank seeking to establish and maintain the bank branch. The acknowledgment of the Office of Banks and Real Estate shall not be deemed to be a necessary bank regulatory approval for purposes of this Section.

(Source: Repealed at 21 Ill. Reg. 8367, effective

JUN 2 1997)

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Blacklist Discrimination
- 2) Code Citation: 38 Ill. Adm. Code 302
- 3) Section Number: Adopted Action:
302.10 New Section
302.20 New Section
302.30 New Section
302.40 New Section
- 4) Statutory Authority: Implementing and authorized by Section 6(e) of the Office of Banks and Real Estate Act [20 ILCS 3205/6(e)].
- 5) Effective Date of Adopted Amendment: June 24, 1997
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 23, 1997
- 9) Date Notice of Proposed Amendments was published in Illinois Register: April 4, 1997, 21 Ill. Reg. 4294
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: The only differences are technical and formatting changes recommended by the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending on this Part? No

15) Summary and Purpose of Rules: Section 6(e) of the Office of Banks and Real Estate Act requires the Commissioner of Banks and Real Estate to issue "guidelines in the form of rules or regulations which will prohibit discrimination by any State chartered bank against any individual, corporation, partnership, association or other entity because it appears in a so-called blacklist issued by any domestic or foreign corporate or governmental entity." This rulemaking implements that requirement. It defines the terms "blacklist" and "discrimination" as they relate to state-chartered banks and prohibits discrimination by a state-chartered bank by use of a blacklist.

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- 16) Information and questions regarding these Adopted Amendments shall be directed to:

John Arthur
Legislative Liaison
Office of Banks and Real Estate
500 East Monroe, Suite 900
Springfield, Illinois 62701
217/782-3000 fax: 217/524-5941

The full text of the Adopted Amendments begins on the next page:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

PART 302
BLACKLIST DISCRIMINATION

Section
302.10 Scope
302.20 Definitions
302.30 Guidelines
302.40 Implementation

AUTHORITY: Implementing and authorized by Section 6(e) of the Office of Banks and Real Estate Act [20 ILCS 3205/6(e)].

SOURCE: Adopted at 21 Ill. Reg. 0371, effective

Section 302.10 Scope

This Part is promulgated pursuant to Section 6(e) of the Office of Banks and Real Estate Act [20 ILCS 3205/6(e)] and applies to all state banks.

Section 302.20 Definitions

For purposes of this Part the following definitions shall apply:

"Act" means the Illinois Banking Act [205 ILCS 5].

"Blacklist" means a list of persons marked by those who prepare the list or those among whom the list is intended to circulate with the intention that persons on the list may not avail themselves of goods or services, but shall not include lists prepared by the federal government or federal administrative agencies pursuant to federal law.

"Discrimination" means, upon a prohibited basis:

denying any person any of the services normally offered by the state bank to other persons similarly situated; or

providing any person, to their disadvantage, with any service which differs from, or is provided in a different manner from, that service as provided to other persons similarly situated; or

denying or varying the terms of a loan to any person from loans approved or offered to other persons similarly situated.

"Person" means any individual, corporation, partnership, association

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or other entity.

"State bank" means a state bank as defined by the Act.

Section 302.30 Guidelines

No state bank shall discriminate against any person because that person appears upon a blacklist issued by any domestic or foreign corporate or government entity.

Section 302.40 Implementation

All state banks shall forbid discrimination by bank directors, officers or employees against any person because that person appears upon a blacklist.

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Calculation, Assessment and Collection of Periodic Fees
- 2) Code Citation: 38 Ill. Adm. Code 375
- 3) Section Number: Adopted Action:
 375.10 New Section
 375.20 New Section
 375.30 New Section
 375.40 New Section
 375.50 New Section
 375.60 New Section
 375.70 New Section
- 4) Statutory Authority: Implementing Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)] and Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1].

5) Effective Date of Adopted Amendment: June 29 1997

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 23, 1997

9) Date Notice of Proposed Amendments was published in Illinois Register:
 April 4, 1997, 21 Ill. Reg. 4298

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: The only differences are technical and formatting changes to which the Joint Committee on Administrative Rules has agreed.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace emergency amendments currently in effect? No

14) Are there any other proposed amendments pending on this Part? No

15) Summary and Purpose of Rules: This rule sets forth the manner in which the Office of Banks and Real Estate will calculate, assess and collect call report fees from state banks and other periodic fees from corporate fiduciaries. The rule also directs the payment of such fees by an electronic transfer or automatic debit transaction. [Section 48(3) of the Illinois Banking Act authorizes the Commissioner to provide for the

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payment of fees by an electronic transfer of funds or an automatic debit of an account of each of the state banks.] The rule also addresses the applicability of fees to state banks that result from mergers with or conversions by other financial institutions and to banks that leave the state system by merging with or converting to national banks.

16) Information and questions regarding these Adopted Amendments shall be directed to:

John Arthur
 Legislative Liaison
 Office of Banks and Real Estate
 500 East Monroe, Suite 900
 Springfield, Illinois 62701
 217/782-3000 fax: 217/524-5941

The full text of the Adopted Amendments begins on the next page:

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TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

PART 375

CALCULATION, ASSESSMENT AND COLLECTION OF PERIODIC FEES

Section	Purpose
375.10	Definitions
375.30	Call Report Fees
375.40	Calculation of Call Report Fees for Resulting State Banks
375.50	Assessment of Accrued Fees Against a Converting or Merging State Bank
375.60	Credits and Additional Assessments Not Applicable to Resulting National Banks
375.70	Payment by Electronic Transfer or Automatic Debit

AUTHORITY: Implementing Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)] and Section 5-10 of the Corporate Fiduciary Act [205 ILCS 620/5-10] and authorized by Section 48(3) of the Illinois Banking Act and Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1].

SOURCE: Adopted at 21 Ill. Reg. 8375, effective 4/18/2000.

Section 375.10 Purpose

This Part sets forth the manner in which the Office of Banks and Real Estate shall calculate, assess and collect Call Report Fees and other periodic fees payable by state banks and corporate fiduciaries pursuant to Section 48(3) of the Illinois Banking Act and Section 5-10 of the Corporate Fiduciary Act. Nothing in this Part is to be construed as limiting or being applicable to fees that the Office of Banks and Real Estate may assess pursuant to other provisions of the Illinois Banking Act or pursuant to other State laws or rules.

Section 375.20 Definitions

"Act" means the Illinois Banking Act [205 ILCS 5].

"Call Report Fee" means the fee to be paid to the Commissioner by each state bank pursuant to Section 48(3)(a) of the Act.

"Commissioner" means the Commissioner of the Office of Banks and Real Estate or a person authorized by the Commissioner to act in the Commissioner's stead.

"Corporate fiduciary" shall have the meaning ascribed to that term in Section 1-5.05 of the Corporate Fiduciary Act [205 ILCS 620/1-5.05].

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"State bank" means a banking corporation that has a banking charter issued by the Commissioner under the Act, and shall include a foreign banking office holding a certificate of authority pursuant to the Foreign Banking Office Act [205 ILCS 645].

Section 375.30 Call Report Fees

Each state bank shall pay to the Commissioner a Call Report Fee which shall be paid in quarterly installments equal to one-fourth of the sum of the annual fixed fee of \$800, plus a variable fee based on the assets shown on the quarterly statement of condition delivered to the Commissioner in accordance with Section 47 of the Act [205 ILCS 5/47] for the preceding quarter according to the following schedule: 16¢ per \$1,000 of the first \$5,000,000 of total assets; 15¢ per \$1,000 of the next \$20,000,000 of total assets; 13¢ per \$1,000 of the next \$75,000,000 of total assets; 9¢ per \$1,000 of the next \$400,000,000 of total assets; 7¢ per \$1,000 of the next \$500,000,000 of total assets; 5¢ per \$1,000 of the next \$19,000,000,000 of total assets; 2¢ per \$1,000 of the next \$30,000,000,000 of total assets; 1¢ per \$1,000 of the next \$50,000,000,000 of total assets; and .5¢ per \$1,000 of all assets in excess of \$100,000,000,000 of the state bank. The Call Report Fee shall be calculated by the Commissioner and billed to the banks for remittance at the time of the quarterly statements of condition provided for in Section 47 of the Act.

Each state bank which receives electronic data processing ("EDP") services subject to the Commissioner's examination shall be assessed an EDP fee equal to 5.75% of the state bank's Call Report Fee. The EDP fee will be assessed and will be payable with the Call Report Fee.

Section 375.40 Calculation of Call Report Fees for Resulting State Banks

When a state bank results from a conversion by any financial institution other than a state bank and no statement of condition for such resulting state bank for the preceding quarter was submitted to the Commissioner pursuant to Section 47 of the Act, the Call Report Fees shall be calculated for such resulting state bank using the formula set forth in Section 375.30 of this Part based on the most recent periodic report of condition submitted by the converted financial institution to its primary regulator.

When a state bank results from a merger of one or more financial institutions into the resulting state bank, the Call Report Fee shall be calculated for such resulting state bank using the formula set forth in Section 375.30 of this Part based on the aggregate of the total assets reported in the most recent periodic reports of conditions submitted by the merged financial institutions to their primary regulators.

Section 375.50 Assessment of Accrued Fees Against a Converting or Merging State Bank

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When a state bank converts to a national bank, merges into a resulting national bank, dissolves, surrenders its certificate of authority or in any other manner ceases to be a state bank, such state bank shall be liable on a pro rata basis to the Commissioner for any accumulated Call Report Fees prior to the date that the state bank ceases to be a state bank.

Section 375.60 Credits and Additional Assessments Not Applicable to Resulting National Banks

A financial institution other than a state bank that results from a conversion by or merger with a state bank shall not be eligible for any credit and shall not be liable for any additional assessments described in Section 48(3)(d-1) of the Act [205 ILCS 5/48(3)(d-1)].

Section 375.70 Payment by Electronic Transfer or Automatic Debit

Payment of all fees assessed by the Commissioner pursuant to Section 48(3) of the Act [205 ILCS 5/48(3)] and Section 5-10 of the Corporate Fiduciary Act [205 ILCS 620/5-10] shall be made by each state bank and corporate fiduciary to the Commissioner by means of electronic transfer of funds from, or automatic debit of, an account of the state bank or corporate fiduciary, unless the Commissioner authorizes a state bank or corporate fiduciary to submit payment by some other means.

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Eligible State Bank
- 2) Code Citation: 38 Ill. Adm. Code 380
- 3) Section Number: Adopted Action:
380.10 Amendment
380.20 Amendment
380.30 Repeal
- 4) Statutory Authority: Implementing Section 48(2) and authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/48(2) and 48(6)].
- 5) Effective Date of Adopted Amendment: June 24, 1997
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 23, 1997
- 9) Date Notice of Proposed Amendments was published in Illinois Register: April 4, 1997, 21 Ill. Reg. 4303
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: The only differences are technical and formatting changes recommended by the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending on this Part? No
- 15) Summary and Purpose of Rules: The changes to this Part replace the reference to state bank examinations being conducted "each year" or on an "annual" basis with references to the examination frequency set forth in Section 48(2)(a) of the Illinois Banking Act, thereby eliminating the need for future amendments to this Part when the statutory examination frequency may change. The definition of "CAMEL Rating" is updated to reflect a new component in the bank rating system. References to obsolete statutory provisions are eliminated. The definition of "eligible state bank" is amended to clarify that a state bank will not qualify as an eligible state bank if the federal bank examiners will not alternate with the Office of Banks and Real Estate in conducting examinations of the bank.

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- 16) Information and questions regarding these Adopted Amendments shall be directed to:

John Arthur
Legislative Liaison
Office of Banks and Real Estate
500 East Monroe, Suite 900
Springfield, Illinois 62701
217/782-3000 fax: 217/524-5941

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

- TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

PART 380
ELIGIBLE STATE BANK

Section	Purpose
380.10	Purpose
380.20	Definitions
380.30	General Rule (Repealed)

AUTHORITY: Implementing Section 48(2) and authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/48(2) and 48(6)].

SOURCE: Adopted at 18 Ill. Reg. 4630, effective March 14, 1994; recodified from Chapter II, Commissioner of Banks and Trust Companies, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 21 Ill. Reg. 0380, effective JUN 24 1997.

Section 380.10 Purpose

Section 48(2)(a) of the Illinois Banking Act [205 ILCS 5/48(2)(a)] ~~requires the Commissioner to examine, at least once within each time period specified in the Act each year, the affairs of every state bank, except that an examination conducted by an eligible state bank's appropriate federal banking agency may suffice as a substitute for the Commissioner's own examination during alternating time periods for every eligible state bank the Commissioner in lieu of an annual examination every other year shall accept the examination made by the eligible state bank's appropriate federal banking agency, provided the appropriate federal banking agency has made such an examination. The purpose of this Part Rule is to define "eligible state bank" in a manner that enables identification of those state banks for which an examination conducted by the appropriate federal banking agency may be acceptable in lieu of the Commissioner's own examination will accept an examination by the appropriate federal banking agency on an alternating basis years.~~

(Source: Amended at 21 Ill. Reg. 0380, effective JUN 24 1997)

Section 380.20 Definitions

"Annual examination" means a full-scope on-site examination of a state bank conducted by the Commissioner or by the state bank's appropriate federal banking agency during a calendar year.

"Appropriate federal banking agency" means the Federal Deposit Insurance Corporation, the Federal Reserve Bank of Chicago or the

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Federal Reserve Bank of St. Louis, as determined by federal law (12 U.S.C. 1813(g)).

"CAMELS CAMEB Rating" means the rating assigned to a state bank by the Commissioner or by the state bank's appropriate federal banking agency, based on a composite evaluation of the following six five individual performance components: Capital, Asset Quality, Management, Earnings, and Liquidity and Sensitivity to Market Risk. The CAMELS CAMEB Rating, and the rating assigned to each individual performance component, will be assigned a number from a range of 1 through 5, with 1 being the highest possible rating and 5 being the lowest possible rating.

"Commissioner" means the Illinois Commissioner of Banks and Real Estate or a person authorized by the Commissioner to act in the Commissioner's stead.

"Eligible state bank" means an Illinois state bank that, at its last regular annual examination, was assigned a CAMELS CAMEB Rating of 1 or a CAMELS CAMEB Rating of 2, with no more than one individual performance component rated 3; provided, however, that the management performance component must be rated 1 or 2, and no individual performance component may be rated 4 or 5; except that, unless otherwise determined by the Commissioner, the following shall not be an eligible state bank:

A newly chartered state bank, for the first three years after receiving its charter; provided that a state bank chartered for the purposes set forth in Section 3-05(b)(1) of the Illinois Bank Holding Company Act shall not be deemed to be a newly chartered state bank;

A state bank that resumes accepting deposits and making loans pursuant to Section 13(d) of the Illinois Banking Act; for the first three years after such resumption;

A state bank that results from the merger of a state bank with a financial institution other than a state bank national bank, an insured savings association, or a savings bank, for the first examination period year after such merger;

A state bank that results from the merger of a state bank with another state bank which was assigned a CAMELS CAMEB Rating of 3, 4 or 5 at its last regular annual examination, for the first examination period year after such merger;

A state bank that results from the conversion of a financial institution other than a state bank national bank to a state

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bank, for the first examination period year after the conversion;

A state bank that has undergone a change of control pursuant to Section 18 of the Illinois Banking Act which results in new ownership or control of more than 50% of the outstanding voting stock of the state bank, for the first examination period year after the change of control;

A state bank whose management or board of directors has requested an examination by the Commissioner;

A state bank, that in the opinion of the Commissioner, is:

operating in an unsafe manner;

operating in an unsound condition;

conducting its business in violation of applicable laws, rules or regulations; or

conducting its business in a fraudulent manner;

A state bank concerning which the appropriate federal banking agency has communicated to the Commissioner that such federal banking agency will not alternate in conducting examinations of the particular bank or class of banks; and

A state bank that is subject to an administrative order or other regulatory or enforcement action corrective notice issued by the Commissioner, the Federal Deposit Insurance Corporation, the Federal Reserve Bank of Chicago or the Federal Reserve Bank of St. Louis or the appropriate federal banking agency.

"Examination period" means the time frame within which the Commissioner must conduct a regular examination of each state bank pursuant to Section 48(2) of the Illinois Banking Act.

"Regular examination" means a full scope, on-site examination of a state bank conducted by the Commissioner or by the state bank's appropriate federal banking agency within each examination period.

(Source: Amended at 21 Ill. Reg. 2.007, effective JUN 2 1997)

Section 380.30 General Rule (Repealed)

The Commissioner shall conduct an annual examination of a state bank, except that in the case of an eligible state bank, the Commissioner, in lieu of an

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~~annual--examination--every--other--year--shall--accept--the--annual--examination
conducted--by--the--eligible--state--bank--s--appropriate--federal--banking--agency--~~

(Source: Repealed at 21 Ill. Reg. 2380, effective
June 2, 1997)

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1) Heading of the Part: Hospital Services

2) Code Citation: 89 Ill. Adm. Code 148

3) Section Numbers: Adopted Action:
148.295 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305
ILCS 5/12-13]

5) Effective Date of Amendments: June 23, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 23, 1997

9) Notice of Proposal Published in Illinois Register: April 18, 1997 (21
Ill. Reg. 4965)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: No changes have been made
in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as
indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect?
No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: These amendments respond to Public Act
90-03, which provides for appropriations, supplemental appropriations and
legislative transfers for the completion of fiscal year 1997. The
appropriations in this Act include an additional amount of \$6,800,000 that
is targeted for Rural Critical Hospital Adjustment Payments (RCHAP). This
payment adjustment program, which was established September 1, 1996,
provides certain rural hospitals with additional resources in order to
maintain access to necessary health care services in the rural communities
of Illinois. RCHAP payments are intended primarily for rural hospitals
that provide obstetrical care, thereby ensuring that services, especially
obstetrical services, remain available in underserved areas.

Under the provisions of Public Act 90-03, an additional \$6,800,000 has
been appropriated for fiscal year 1997 for hospital inpatient and

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NOTICE OF ADOPTED AMENDMENTS

disproportionate share funding.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
 HOSPITAL SERVICES

Section	
148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services
148.80	Organ Transplant Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.90	Heart Transplants (Repealed)
148.100	Liver Transplants (Repealed)
148.110	Bone Marrow Transplants (Repealed)
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Public Law 103-66 Requirements
148.160	Payment Methodology for County-Owned Hospitals in a County with a Population of Over Three Million
148.170	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175	Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180	Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190	Copayments
148.200	Alternate Reimbursement Systems
148.210	Filing Cost Reports
148.220	Pre September 1, 1991 Admissions
148.230	Admissions Occurring on or after September 1, 1991
148.240	Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.250	Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260	Calculation and Definitions of Inpatient Per Diem Rates
148.270	Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280	Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.285	Excellence in Academic Medicine Payments

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- 148.290 Adjustments and Reductions to Total Payments
 148.295 Critical Hospital Adjustment Payment (CHAP)
 148.300 Payment
 148.310 Review Procedure
 148.320 Alternatives
 148.330 Exemptions
 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
 148.350 Definitions
 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services
 148.368 Volume Adjustment (Repealed)
 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services
 148.390 Hearings
 148.400 Special Hospital Reporting Requirements

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg.

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17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 886, effective JUN 2 1997.

Section 148.295 Critical Hospital Adjustment Payments (CHAP)

Critical Hospital Adjustment Payments (CHAP) shall be made to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25 (b)(1)(A), and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25 (b)(1)(B), for inpatient admissions occurring on or after July 1, 1995, in accordance with this Section.

a) Trauma Center Adjustments (TCA)

The Department shall make a trauma center adjustment (TCA) to Illinois hospitals recognized, as of the last day of June preceding the CHAP rate period, as a Level I or Level II trauma center by the Illinois Department of Public Health, in accordance with the provisions of subsections (a)(1) through (a)(3) below.

1) Level I Trauma Center Adjustment (TCA).

A) Criteria. Illinois hospitals that, on the last day of June preceding the CHAP rate period, are recognized as a Level I trauma center by the Illinois Department of Public Health shall receive the Level I trauma center adjustment.

B) Adjustment. Illinois hospitals meeting the criteria specified in subsection (a)(1)(A) above shall receive an adjustment as follows:

- i) Hospitals with Medicaid trauma admissions equal to or greater than the mean Medicaid trauma admissions, for all hospitals qualifying under (a)(1)(A) above, shall receive an adjustment of \$19,700.00 per Medicaid trauma admission in the CHAP base period.
- ii) Hospitals with Medicaid trauma admissions less than the mean Medicaid trauma admissions, for all hospitals qualifying under (a)(1)(A) above, shall receive an adjustment of \$12,500.00 per Medicaid trauma admission in the CHAP base period.

2) Level II Rural Trauma Center Adjustment (TCA). Illinois rural

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hospitals, as defined in Section 148.25(g)(3), that, on the last day of June preceding the CHAP rate period, are recognized as a Level II trauma center by the Illinois Department of Public Health shall receive an adjustment of \$9,900.00 per Medicaid trauma admission in the CHAP base period.

- 3) Level II Urban Trauma Center Adjustment (TCA). Illinois urban hospitals, as described in Section 148.25(g)(4), that, on the last day of June preceding the CHAP rate period, are recognized as Level II trauma centers by the Illinois Department of Public Health shall receive an adjustment of \$9,900.00 per Medicaid trauma admission in the CHAP base period, provided that such hospital meets the criteria described below:
 - A) The hospital is located in a county with no Level I trauma center; and
 - B) The hospital is located in a Health Professional Shortage Area (HPSA) (42 CFR 5), as of the last day of June preceding the CHAP rate period, and has a Medicaid trauma admission percentage at or above the mean of the individual facility values determined in subsection (a)(3)(A) above; or the hospital is not located in a HPSA (42 CFR 5) and has a Medicaid trauma admission percentage that is at least the mean plus one standard deviation of the individual facility values determined in subsection (a)(3)(A) above.

- b) Rehabilitation Hospital Adjustment (RHA)

Illinois hospitals that, on the last day of June preceding the CHAP rate period, qualify as rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2) and are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), shall receive a rehabilitation hospital adjustment in the CHAP rate period that consists of the following three components:

 - 1) Treatment Component. All hospitals defined in subsection (b) above shall receive \$3,800.00 per Medicaid Level I rehabilitation admission in the CHAP base period.
 - 2) Facility Component. All hospitals defined in subsection (b) above shall receive a facility component that shall be based upon the number of Medicaid Level I rehabilitation admissions in the CHAP base period as follows:
 - A) Hospitals with fewer than 90 Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$100,000.00 in the CHAP rate period.
 - B) Hospitals with 90 or more Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$400,000.00 in the CHAP rate period.
 - 3) Health Professional Shortage Area Adjustment Component. Hospitals defined in subsection (b) above, that are located in a Health Professional Shortage Area (HPSA) (42 CFR 5) as of the last day of June preceding the CHAP rate period, shall receive \$300.00 per Medicaid Level I rehabilitation inpatient day in the

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CHAP base period.

- c) Direct Hospital Adjustment (DHA) Criteria

To qualify for the DHA under this subsection (c), hospitals must meet one of the following criteria.

 - 1) Be an Illinois hospital located outside of Health Service Area (HSA) six that meets one of the following criteria:
 - A) Has a Medicaid inpatient utilization rate on the last day of June preceding the CHAP rate period, as defined in Section 148.120(k)(5), greater than 60 percent and has an average length of stay of less than ten days.
 - B) Is a major teaching hospital with 35 or more graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.
 - 2) Be a hospital located in HSA six, excluding psychiatric and rehabilitation hospitals as defined in 89 Ill. Adm. Code 149.50(c)(1) and (c)(2), that meets one of the following criteria:
 - A) Is a hospital whose sum of the critical weighting factors is greater than one standard deviation above the mean of the summed critical weighting factors for all hospitals located within the same planning area. The critical weighting factor is determined as follows:
 - i) Hospitals that, on the last day of June preceding the CHAP rate period, are designated as a Level III, II, or I Perinatal Center by the Illinois Department of Public Health shall receive a critical weighting factor of 10, 7.5, or 5 respectively depending on the hospital's perinatal level designation.
 - ii) Hospitals that, on the last day of June preceding the CHAP rate period, are recognized as a Level I or II Trauma Center by the Illinois Department of Public Health shall receive a critical weighting factor of ten or five respectively depending on the hospital's trauma level designation.
 - iii) Hospitals that, on the last day of June preceding the CHAP rate period, are eligible for disproportionate share payments as described in Section 148.120(g)(1) or (g)(2) shall receive a critical weighting factor of five.
 - iv) Hospitals that have an occupancy ratio, as determined by the Illinois Department of Public Health (IDPH), based upon the most current IDPH published report entitled "Bed Count, Average Length of Stay, Average Daily Census and Percent Occupancy for Non-Federal Hospitals in Illinois", which is available to the

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Illinois Department of Public Aid on the last day of June preceding the CHAP rate period, which is equal to or greater than the mean occupancy ratio for all hospitals in the planning area shall receive a critical weighting factor of five.

v) Hospitals which have Medicaid obstetrical care admissions in the CHAP base period that are equal to or greater than one-half a standard deviation above the mean Medicaid obstetrical care admissions in their planning area shall receive a critical weighting factor of ten. If the hospital's Medicaid obstetrical care admissions are greater than the mean but less than one-half a standard deviation above the mean Medicaid obstetrical care admissions in their planning area, the hospital shall receive a critical weighting factor of five.

vii) Hospitals that on the last day of June preceding the CHAP rate period have a Medicaid inpatient utilization rate as defined in Section 148.120(k)(5) which is equal to or greater than one-half a standard deviation above the mean Medicaid inpatient utilization rate in their planning area, shall receive a critical weighting factor of ten. If the hospital's Medicaid inpatient utilization rate is greater than the mean but less than one-half a standard deviation above the mean Medicaid inpatient utilization rate in their planning area, the hospital shall receive a critical weighting factor of five.

viii) Hospitals which have Medicaid general care admissions in the CHAP base period that are equal to or greater than one-half a standard deviation above the mean Medicaid general care admissions in their planning area shall receive a critical weighting factor of ten. If the hospital's Medicaid general care admissions are greater than the mean but less than one-half a standard deviation above the mean Medicaid general care admissions in their planning area, the hospital shall receive a critical weighting factor of five.

ix) Hospitals which have a cost per day at 80 percent occupancy that is less than or equal to one-half a standard deviation below the mean cost per day at 80 percent occupancy in their planning area shall receive a critical weighting factor of ten. If the hospital's cost per day at 80 percent occupancy is greater than one-half a standard deviation below the mean cost per day at 80 percent occupancy but less than the mean cost per day at 80 percent occupancy in their planning area, the hospital shall receive a critical weighting

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factor of five.

B) Is a major teaching hospital with 40 or more graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.

C) Is a hospital with 3,400 or more Medicaid general care admissions in the CHAP base period.

3) Be a hospital qualifying under subsection (c)(2) above that has Medicaid obstetrical care admissions in the CHAP base period which are equal to or greater than 2,400.

4) Be a hospital qualifying under subsection (c)(2) above that on the last day of June preceding the CHAP rate period, is designated as a Level III or II Perinatal Center by the Illinois Department of Public Health, and that has a Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), which is greater than one-half a standard deviation above the statewide mean Medicaid inpatient utilization rate, as defined in Section 148.120(k)(3), and that has at least one obstetrical graduate medical education program accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.

5) Be a children's hospital, which means a hospital devoted exclusively to caring for children. A hospital which includes a facility devoted exclusively to caring for children that is separately licensed as a hospital by a municipality shall be considered a children's hospital to the degree that the hospital's Medicaid care is provided to children.

d) DHA Adjustment

Calculation of the DHA is as follows:

- 1) Hospitals qualifying under subsection (c)(1)(A) above shall receive an DHA of \$60.00 per Medicaid inpatient day in the CHAP base period.
- 2) Hospitals qualifying under subsection (c)(1)(B), (c)(2) or (c)(5) above shall receive an DHA of \$30.00 per Medicaid inpatient day in the CHAP base period.
- 3) Hospitals qualifying under subsection (c)(5) above which have a Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, that is greater than 85 percent shall receive an additional \$20.00 per Medicaid inpatient day in the CHAP base period.
- 4) Hospitals qualifying under subsection (c)(2)(B) above shall receive an additional \$10.00 per Medicaid inpatient day in the CHAP base period.

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- 5) Hospitals qualifying under subsection (c)(3) or (c)(4) above shall receive an additional \$120.00 per Medicaid inpatient day in the CHAP base period if their Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, is equal to or greater than 50 percent; or \$65.00 per Medicaid inpatient day in the CHAP base period if their Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), on the last day of June preceding the CHAP rate period, is less than 50 percent.
- e) Rural Critical Hospital Adjustment Payments (RCHAP)
 - 1) Rural Critical Hospital Adjustment Payments (RCHAP) shall be made to rural hospitals, as described in 89 Ill. Adm. Code 140.80(j)(1), for certain inpatient admissions occurring on or after September 1, 1996. The Department shall make a RCHAP adjustment payment to hospitals qualifying under this subsection at a rate that is the greater of:
 - 1) the product of \$1,490 \$745 multiplied by the number of RCHAP Obstetrical Care Admissions in the CHAP base period, or
 - 2) the product of \$150 \$75 multiplied by the number of RCHAP General Care Admissions in the CHAP base period.
 - f) Each eligible hospital's critical hospital adjustment payment for the CHAP rate period shall equal the sum of the amounts described in subsections (a), (b), and (d) and (e) above. The critical hospital adjustment payments shall be paid to eligible hospitals on a quarterly basis.
 - g) Critical Hospital Adjustment Limitations
 - (a) Hospitals that qualify for trauma center adjustments under subsection (a) shall not be eligible for the total trauma center adjustment if, during the CHAP rate period, the hospital is no longer recognized by the Illinois Department of Public Health as a Level I trauma center as required for the adjustment described in subsection (a)(1) above, or a Level II trauma center as required for the adjustment described in subsection (a)(2) or (a)(3) above. In these instances, the adjustments calculated shall be pro-rated, as applicable, based upon the date that such recognition ceased.
 - h) Critical Hospital Adjustment Payment Definitions
 - The definitions of terms used with reference to calculation of the CHAP required by this Section are as follows:
 - 1) "CHAP base period" means State Fiscal Year 1994 for CHAP payments calculated for the July 1, 1995, CHAP rate period; State Fiscal Year 1995 for CHAP payments calculated for the July 1, 1996, CHAP rate period; etc.
 - 2) "CHAP rate period" means, beginning July 1, 1995, the 12 month period beginning on July 1 of the year and ending June 30 of the following year.
 - 3) "Cost Per Day at 80 Percent Occupancy" means the estimated inpatient cost per day had the hospital been operating at an 80 percent occupancy rate.
 - 4) "Medicaid General Care Admission" means hospital inpatient

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- 5) "Medicaid Inpatient Day" means hospital inpatient days which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns, Medicare/Medicaid crossover admissions, psychiatric and rehabilitation admissions.
- 6) "Medicaid Level I rehabilitation admissions" means those claims billed as Level I admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an occurrence code of 63 when applicable and an ICD-9-CM principal diagnosis code of: 054.3, 310.1 through 310.2, 320.1, 336.0 through 336.9, 344.0 through 344.2, 344.8 through 344.9, 348.1, 801.30, 803.10, 803.84, 806.0 through 806.19, 806.20 through 806.24, 806.26, 806.29 through 806.34, 806.36, 806.4 through 806.5, 851.06, 851.80, 853.05, 854.0 through 854.04, 854.06, 854.1 through 854.14, 854.16, 854.19, 905.0, 907.0, 907.2, 952.0 through 952.09, 952.10 through 952.16, 952.2, and V57.0 through V57.89, excluding admissions for normal newborns.
- 7) "Medicaid Level I rehabilitation inpatient day" means the days associated with the claims defined in subsection (h)(6) above.
- 8) "Medicaid obstetrical care admission" means hospital inpatient admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a 5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; or V27 through V27.9; or V30 through V39.9; or any ICD-9-CM principal diagnosis code that is accompanied with a surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.
- 9) "Medicaid trauma admission" means those claims billed as admissions which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 800.0 through 800.99, 801.0 through 801.99, 802.0 through 802.99, 803.0 through 803.99,

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804.0 through 804.99, 805.0 through 805.98, 806.0 through 806.99, 807.0 through 807.69, 808.0 through 808.9, 809.0 through 809.1, 828.0 through 828.1, 839.0 through 839.3, 839.7 through 839.9, 850.0 through 850.9, 851.0 through 851.99, 852.0 through 852.59, 853.0 through 853.19, 854.0 through 854.19, 860.0 through 860.5, 861.0 through 861.32, 862.8, 863.0 through 863.99, 864.0 through 864.19, 865.0 through 865.19, 866.0 through 866.13, 867.0 through 867.9, 868.0 through 868.19, 869.0 through 869.1, 887.0 through 887.7, 896.0 through 896.3, 897.0 through 897.7, 900.0 through 900.9, 902.0 through 904.9, 925, 926.8, 929.0 through 929.99, 958.4, 958.5, 990 through 994.99. For those hospitals recognized as Level I trauma centers solely for pediatric trauma cases, Medicaid trauma admissions are only calculated for the claims billed as admissions, excluding admissions for normal newborns, which were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with ICD-9-CM diagnoses within the above ranges for children under the age of 18 excluding admissions for normal newborns.

10) "Medicaid trauma admission percentage" means a fraction, the numerator of which is the hospital's Medicaid trauma admissions and the denominator of which is the total Medicaid trauma admissions in a given 12 month period for all Level II urban trauma centers.

11) The CHAP base period means State Fiscal Year 1995 for RCHAP's calculated for the July 1, 1996, CHAP rate period; State Fiscal Year 1996 for RCHAP's calculated for July 1, 1997, CHAP rate period; etc.

12) RCHAP General Care Admission means Medicaid General Care Admissions, as defined in subsection (h)(4) above, less RCHAP Obstetrical Care Admissions, occurring in the CHAP base period.

13) RCHAP Obstetrical Care Admissions means Medicaid General Care Admissions, as defined in subsection (h)(4) above, with a Diagnosis Related Group (DRG) of 370 through 375, occurring in the CHAP base period.

14) Beginning September 1, 1996, the Department will make RCHAP's payment to be made June 30, 1997, qualifying hospitals in four equal installments, with the last

(Source: Amended at 21 Ill. Reg. 8386, effective June 24, 1996)

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- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
 - 2) Code Citation: 92 Ill. Adm. Code 1040
 - 3) Section Numbers: 1040.32
Adopted Action: Amendment
 - 4) Statutory Authority: Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].
 - 5) Effective Date of Amendments: June 30, 1997
 - 6) Does this rulemaking contain an automatic repeal date? No
 - 7) Does this amendment contain incorporations by reference? No
 - 8) Date Filed in Agency's Principal Office: June 23, 1997
 - 9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 3060 (March 14, 1997)
 - 10) Has JCAR Issued a Statement of Objections to this Rule? No
 - 11) Differences between proposal and final version: None
 - 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the Agreement Letter issued by JCAR? Yes
 - 13) Will this rule replace any Emergency Rule(s) currently in effect? No
 - 14) Are there any other amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|------------------------------------|
| 1040.20 | Amendment | 21 Ill. Reg. 5091 (April 25, 1997) |
| 1040.50 | Amendment | 21 Ill. Reg. 5457 (April 25, 1997) |
| 1040.70 | Amendment | 21 Ill. Reg. 4398 (April 11, 1997) |
- 15) Summary and Purpose of Rule: This proposed rulemaking includes language amendments due to the passage of new legislation.
 - 16) Information and answers to questions regarding this Adopted Rule should be directed to:

Mark A. Novak

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Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

The full text of the Adopted Amendment begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040

CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

Section	
1040.10	Court to Forward Licenses and Reports of Convictions
1040.10	Illinois Offense Table
1040.20	Suspension or Revocation for Driving Without a Valid Driver's License
1040.25	3 Or More Traffic Offenses Committed Within 12 Months
1040.30	Operating A Motor Vehicle During a Period of Suspension or Revocation
1040.31	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.32	Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon Conviction
1040.35	Commission of a Traffic Offense in Another State
1040.38	Repeated Convictions or Collisions
1040.40	Suspension of Licenses for Curfew Violations
1040.41	Fleeing and Eluding
1040.42	Illegal Transportation
1040.43	Fatal Accident and Personal Injury Suspensions or Revocations
1040.46	Vehicle Emission Suspensions
1040.48	Suspension or Revocation of a License of Commercial Vehicle Driver
1040.50	Suspension or Revocation for Driver's License Classification Violations
1040.55	Release of Information Regarding a Disposition of Court Supervision Offenses Occurring on Military Bases
1040.60	Invalidation of a Restricted Driving Permit
1040.65	National Driver Register
1040.66	Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card
1040.70	Rescissions
1040.80	Reinstatement Fees
1040.100	Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
1040.101	
1040.102	

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984;

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amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective April 13, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. ~~8388~~ 8389, effective ~~January 26, 1996~~ January 26, 1997.

Section 1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently

a) For purposes of this Section, the following definitions shall apply:

"Amnesty" - a sovereign act of forgiveness for past acts granted by a government to all persons (or to certain persons) generally conditioned upon their return to obedience and duty within a prescribed time as recognized by the Immigration Reform and Control Act of 1986. (P.L. 99-603.)

"Department" - Driver Services Department within the Office of the Secretary of State.

"Driver's License or Permit" - document which permits a person to legally operate a motor vehicle. Includes a restricted driving permit, a judicial driving permit, instruction permit, a traffic ticket issued where the person's driver's license is deposited in lieu of bail, a suspension notice in which the suspension is not yet effective, a duplicate or corrected driver's license, a temporary instruction permit, or temporary driver's license, or a probationary driver's license.

"False Information" - any information concerning the name, sex,

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date of birth, social security number or any photograph that falsifies all or in part the actual identity of the individual issued the driver's license, permit or identification card.

"Fictitious Driver's License or Permit" - any issued driver's license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction which contains false information concerning the identity of the individual issued the driver's license or permit.

"Fictitious Identification Card" - any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that contains false information concerning the identity of the individual issued the identification card.

"Fraudulent Driver's License or Permit" - any driver's license or permit which purports to be an official driver's license or permit for which a computerized number and file have not been created by the Secretary of State or other official driver's license agency in another jurisdiction.

"Fraudulent Identification Card" - any identification card which purports to be an official identification card ~~Illinois Identification--Card--or--Illinois-Disabled-Person-Identification Card~~ for which a computerized number and file have not been created by the Secretary of State, the United States Government or any state or political subdivision thereof, or any governmental or quasi-government organization. For the purpose of this paragraph, any identification card which resembles an official identification card ~~Illinois-Identification--Card--or--Illinois-Disabled-Person-Identification--Card~~ in either size, or color, or photograph location, or design, or uses the word "official", or "state", or "Illinois", or the name of any other state or political subdivision thereof, or any governmental or quasi-governmental organization individually or in any combination thereof to describe or modify the term "identification card" or "I.D. card" anywhere on the card, or uses a shape in the likeness map of Illinois or any other state on the photograph side of the card, is deemed to be a fraudulent identification card ~~an identification-card-which-purports-to-be an-official-Illinois-Identification--Card--or--Illinois-Disabled-Person-Identification--Card~~.

"Identification Card" - any document made or issued by or under

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the authority of the United States Government, the State of Illinois, or any other state or political subdivision thereof, or any governmental or quasi-governmental organization that, upon issue contains information concerning the individual, is of the type intended or commonly accepted for the purpose of identifying the individual in accordance with Section 14(a-5) of the Illinois Identification Card Act [15 ILCS 335/14(a-5)]. Identification Card---a---standard---Illinois---Identification---Card---or---Disabled Person---Identification---Card---issued---by---the---Secretary---of---State---in accordance with Section 4 of the Illinois Identification Card Act [15 ILCS 335/4].

"Revocation" - The termination by formal action of the Secretary of a person's driver's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new driver's license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Suspension" - The temporary withdrawal by a formal action of the Secretary of a person's driver's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary pursuant to Section 1-204 of the Illinois Vehicle Code.

"Unlawfully Altered Driver's License, Permit or Identification Card" - any issued driver's license, permit or identification card for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction which has been physically altered or changed in such a manner that false information appears upon the driver's license or permit.

b) The Secretary of State has discretionary authority to suspend or revoke the driving privileges of any person upon receipt of evidence that such person has committed one or more of the following offenses listed in Section 6-206 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-206].

1) If such person has permitted an unlawful use of driver's license, identification card, or permit by allowing another person to use said license, identification card or permit, the Department shall take the following action pursuant to Section 6-206(a)(5) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

ACTION TABLE

1st offense	12-month Suspension
1st offense (with pending	Revocation

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or effective Revocation)
2nd or subsequent offense Revocation; or

2) If such person has made a false statement or made any false affidavit or has knowingly concealed or affirmed falsely to a material fact or used false information or identification in an application for a driver's license, identification card or permit, the Department shall take the following action pursuant to Section 6-206(a)(9) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

ACTION TABLE

1st offense	12-month Suspension
1st offense (with pending	Revocation
or effective Revocation)	
2nd or subsequent offense	Revocation; or

3) If such person has possessed, displayed or attempted to fraudulently use any driver's license, identification card, or permit not issued to such person, the Department shall take the following action pursuant to Section 6-206(a)(10) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

ACTION TABLE

1st offense	12-month Suspension
1st offense (with pending	Revocation
or effective Revocation)	
2nd or subsequent offense	Revocation; or

4) If such person has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a driver's license, identification card or permit for some other person, the Department shall take the following action pursuant to Section 6-206(a)(12) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

ACTION TABLE

1st offense	12-month Suspension
1st offense (with pending	Revocation
or effective Revocation)	
2nd or subsequent offense	Revocation; or

5) If such person has violated Sections 6-301, 6-301.1 or 6-301.2 of the Illinois Vehicle Code or Section 14, 14A or 14B of the Illinois Identification Card Act, the Department shall take action appropriate for the violation committed pursuant to

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Section 6-206 of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

A) Unlawful use of driver's license, permit or identification card or permit: If such person has displayed or caused to be displayed or had in his possession any cancelled, revoked or suspended driver's license, permit or identification card or permit; allowed unlawful use of driver's license, license, permit or identification card or permit to any other person or knowingly allowed the use thereof by another; or displayed or represented as his own any driver's license, or permit or identification card issued to another, the Department shall take the following action pursuant to Section 6-301 of the Illinois Driver Licensing Law of the Illinois Vehicle Code or Section 14 of the Illinois Identification Card Act:

ACTION TABLE

1st offense	12-month Suspension
1st offense (with pending or effective Revocation)	Revocation
2nd or subsequent offense	Revocation; or

B) Fictitious or unlawfully altered driver's license, identification card or permit: If such person has knowingly possessed or displayed any fictitious or unlawfully altered driver's license, identification card or permit; knowingly issued or assisted in the issuance of a fictitious driver's license, identification card or permit; or knowingly manufactured, possessed, transferred or provided any identification document for the purpose of obtaining a fictitious driver's license, identification card or permit, the Department shall take the following action pursuant to Section 6-301.1 of the Illinois Driver Licensing Law of the Illinois Vehicle Code or Section 14 of the Illinois Identification Card Act:

ACTION TABLE

1st or subsequent offense	Revocation; or
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C) Fraudulent driver's license or permit: If such person has knowingly possessed, displayed or caused to be displayed any fraudulent driver's license, identification card or permit; knowingly possessed without authority any driver's license-making implement; or knowingly duplicated, manufactured, sold or transferred any fraudulent driver's license, identification card or permit, the Department shall take the following action pursuant to Section 6-301.2 of the

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Illinois Driver Licensing Law of the Illinois Vehicle Code or Section 14 of the Illinois Identification Card Act:

ACTION TABLE

1st or subsequent offense	Revocation; or
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6) If such person has permitted another person to use any form of such person's identification in the application process to obtain a driver's license, identification card, or permit, the Department shall take the following action pursuant to Section 6-206(a)(25) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

ACTION TABLE

1st offense	12-month Suspension
1st offense (with pending or effective Revocation)	Revocation
2nd or subsequent offense	Revocation; or

7) If such person has unlawfully altered or attempted to alter or possessed an altered driver's license, identification card, or permit, the Department shall take the following action pursuant to Section 6-206(a)(26) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

ACTION TABLE

1st offense	12-month Suspension
1st offense (with pending or effective Revocation)	Revocation
2nd or subsequent offense	Revocation; or

8) If such person has violated Section 6-16 of the Liquor Control Act of 1934 [235 ILCS 5/6-16], the Department shall take the following action pursuant to Section 6-206(a)(27) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

ACTION TABLE

1st offense	12-month Suspension
1st offense (with pending or effective Revocation)	Revocation
2nd or subsequent offense	Revocation.

c) The sources of acceptable proof of the offenses described in subsection (b) above are court documents, driver services facility applications, government entity documents, and law enforcement correspondence/reports.

d) Persons who have applied for federal amnesty pursuant to the Immigration Reform and Control Act of 1986 (P.L. 99-603) shall not be

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suspended or revoked under subsection (b) of this Section if they show proof to the Department that they have applied for federal amnesty, unless they are otherwise ineligible to be licensed as drivers or granted a permit, as provided by Section 6-103 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. Proof shall be the application documents for federal amnesty issued by the Immigration and Naturalization Service verifying that the individual has applied for federal amnesty. If an individual seeking federal amnesty has previously been found by the Department to be in violation of this Section or if the Department receives a report from individuals or agencies listed in subsection (c) of this Section that a person applying for federal amnesty has been convicted of committing a criminal act involving the use of their identification card, driver's license or permit in violation of the Criminal Code of 1961 [720 ILCS 5], his or her driving privileges shall be suspended or revoked by the Department in accordance with subsection (b) of this Section.

- e) The Director of the Department shall rescind a suspension or revocation or reduce the period of a suspension for fraudulent activity if the Office of the Inspector General provides the Director with sufficient evidence demonstrating the person has cooperated in the course of an official investigation regarding the sale, manufacture, issuance or receipt of a fraudulent or fictitious driver's license or identification card. Sufficient evidence of cooperation will be shown by a written statement to the Director signed by the supervising official of the Office of the Inspector General. Whether the person cooperated in an investigation will be determined by the Office of the Inspector General.

(Source: Amended at 21 Ill. Reg. 8398, effective June 30, 1997)

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- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section Number(s): Adopted Action:
1010.180 New Section
1010.185 New Section
- 4) Statutory Authority: Authorized by Chapter 3 and Section 2-104(b) of the Illinois Vehicle Code [625 ILCS 5].
- 5) Effective Date of Rule:
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: June 30, 1997
- 9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 4406, April 11, 1997
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: Technical, non-substantive changes suggested by JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes
- 15) Summary and Purpose of Rules: Clarifies existing SOS policy with respect to specially constructed vehicles.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Carol Sudman, Assistant Counsel
Room 298, Howlett Building
Springfield, Illinois 62756
217/785-3094

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1010

CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section
1010.10
1010.20

Owner - Application of Term
Secretary and Department

SUBPART B: TITLES

Section
1010.110

Salvage Certificate - Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120 Salvage Certificate - Assignments and Reassignments
1010.130 Exclusiveness of Lien on Certificate of Title
1010.140 Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150 Transferring Certificates of Title Upon the Owner's Death
1010.160 Repossession of Vehicles by Lienholders and Creditors
1010.170 Junking Notification
1010.180 Specially Constructed Vehicles - Defined
1010.185 Specially Constructed Vehicles - Required Documentation for Title and Registration

SUBPART C: REGISTRATION

Section
1010.210

Application for Registration
1010.220 Vehicles Subject to Registration - Exceptions
1010.230 Refusing Registration or Certificate of Title
1010.240 Registration Plates To Be Furnished By The Secretary of State
1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section
1010.300

Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration
1010.310 Improper Use of Evidences of Registration
1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles
1010.330 Operation of Vehicle Without Proper Illinois Registration
1010.350 Suspension or Revocation

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1010.360 Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

Section

1010.410 Temporary Registration - Individual Transactions
1010.420 Temporary Permit Pending Registration In Illinois
1010.425 Non-Resident Drive-Away Permits
1010.426 Five Day Permits
1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for Compensation and Tow Trucks
1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment
1010.450 Special Plates
1010.451 Purple Heart License Plates
1010.452 Special Event License Plates
1010.453 Retired Armed Forces Licenses Plates
1010.454 Gold Star License Plates
1010.455 Collectible License Plates
1010.456 Sample License Plates For Motion Picture and Television Studios
1010.457 Korean War Veteran License Plates
1010.458 Collegiate License Plates
1010.460 Special Plates for Members of the United States Armed Forces Reserves
1010.470 Dealer Plate Records
1010.480 State of Illinois In-Transit Plates

SUBPART F: FEES

Section

1010.510 Determination of Registration Fees
1010.520 When Fees Returnable
1010.530 Circuit Breaker Registration Discount
1010.540 Maximum Fees for Distribution of Motor Vehicle Renewal Plates and/or Stickers

SUBPART G: MISCELLANEOUS

Section

1010.610 Unlawful Acts, Fines and Penalties
1010.620 Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

Section

1010.705 Reciprocity
1010.710 Vehicle Proration
1010.715 Proration Fees

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1010.720 Vehicle Apportionment
1010.725 Trip Leasing
1010.730 Intrastate Movements, Foreign Vehicles
1010.735 Interline Movements
1010.740 Trip and Short-term Permits
1010.745 Signal 30 Permit for Foreign Registration Vehicles (Repealed)
1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
1010.755 Mileage Tax Plates
1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates
1010.760 Transfer for "For-Hire" Loads
1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
1010.775 Certificate of Safety

APPENDIX A

Uniform Vehicle Registration Proration and Reciprocity Agreement

APPENDIX B

International Registration Plan

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 13066, effective November 15, 1990; amended at 15 Ill. Reg. 12782,

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effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 2401, effective JUN 2 1996.

SUBPART B: TITLES

Section 1010.180 Specially Constructed Vehicles - Defined

"Specially Constructed Vehicle" means a vehicle of a type required to be registered that has been materially altered from its original construction and body style by the removal, addition or substitution of major component parts from two or more vehicles or motorcycles of a different make, model or year. Major component part shall include the chassis, frame, cab, shell, kit, engine block, engine casing, transmission, and unitized body supporting structure. For the purposes of this Section, "body style" means the physical appearance of the vehicle, e.g., 2-door car, pick-up truck, van, motorcycle, etc.

(Source: Added at 21 Ill. Reg. 2401, effective JUN 2 1996)

Section 1010.185 Specially Constructed Vehicles - Required Documentation for Title and Registration

a) The following shall be forwarded to the Office of the Secretary of State:

1) A statement detailing how the vehicle was constructed, which must include the origin, make, model, year and identification numbers of the major component parts (as defined in Section 1010.180) used to construct the specially constructed vehicle.

2) The ownership document of the first make used to assemble the chassis, frame, or other major component parts.

A) For the purpose of this Section, "first make" means the manufacturer make of the chassis, frame, or other major component part used to construct the specially constructed vehicle, unless the part is manufactured by someone other than the recognized automobile, motorcycle or kit manufacturer or the part is without the assigned vehicle identification number. Ownership documents include the following:

- i) assigned Manufacturer's Certificate of Origin, or
- ii) assigned certificate of title, or
- iii) assigned salvage certificate, or
- iv) assigned junking certificate, or
- v) copy of certificate of title in the name of the applicant for the specially constructed vehicle, or
- vi) copy of salvage certificate in the name of the

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applicant for the specially constructed vehicle, or
vii) copy of junking certificate in the name of the applicant for the specially constructed vehicle.

B) If the frame is a part of the new kit assembly and only other major component parts from the original vehicle are being used to construct the vehicle, a copy of one of the above items is required. The copy must show the vehicle properly assigned to the applicant. Bills of sale or an affirmation statement may be submitted for the major component parts. The bill of sale/affirmation statement must include the year, make and vehicle identification number.

C) If the ownership document of the major component parts used to assemble the first and second make (as defined in subsection (d)) of the specially constructed vehicle are supported by junking certificates, the major component parts used to assemble the first and second make must be from two or more different vehicles of a different year, make or model, which contain two or more different vehicle identification numbers.

3) If the frame/body is constructed from various materials or the major component parts are from various materials/vehicles, bills of sale for those materials. An affirmation statement indicating the frame or major component parts were built from materials the applicant had previously owned may be submitted in lieu of bills of sale. The bill of sale/affirmation statement must include the year, make and the vehicle identification number. The frame year and make will be considered as the physical year of application and reflect SPECIALLY CONSTRUCTED as the make.

4) The ownership document of the second make used to assemble the body, car kit, glider kit, motorcycle kit, or motorcycle major component parts.

A) For the purpose of this Section, "second make" means the manufacturer make of the body, car kit, glider kit, motorcycle kit or motorcycle major component parts used to construct the specially constructed vehicle. Ownership documents include:

- i) Assigned Manufacturer's Certificate of Origin, or
- ii) assigned copy of certificate of title, or
- iii) assigned copy of salvage certificate, or
- iv) assigned copy of junking certificate, or
- v) copy of certificate of title in the name of the applicant for the specially constructed vehicle, or
- vi) copy of salvage certificate in the name of the applicant for the specially constructed vehicle, or
- vii) copy of junking certificate in the name of the applicant for the specially constructed vehicle, or
- viii) bills of sale for parts to build body portion. These

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must include the year, make and the vehicle identification number.

B) If the above ownership documents cannot be furnished by the owner, the specially constructed vehicle may be issued a certificate of title in accordance with Section 3-109 of the Illinois Vehicle Code. Bonding includes those cases in which an owner builds a vehicle from different materials and can neither furnish ownership documents nor identify the specific model year. Specially constructed vehicles which must be bonded will be issued a certificate of title with the make as SPECIALLY CONSTRUCTED and reflect only the Secretary of State assigned vehicle identification number. The year model will be determined according to the date of application.

5) An application for certificate of title and/or registration accompanied by the appropriate fees.

6) Illinois sales tax or vehicle use tax, if applicable.

7) Three pictures of the completed vehicle, from the front, side and rear.

b) Upon approval of the documentation provided, the Secretary of State Department of Police, at their discretion, may inspect the vehicle to ascertain whether all safety items have been installed and are operating properly, and whether the vehicle contains any stolen parts.

(Source: Added at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Regulations Under the Illinois Securities Law of 1953
- 2) Code Citation: 14 Ill. Adm. Code 130
- 3) Section Numbers: Adopted Action:
130.293 New Section
- 4) Statutory Authority: 815 ILCS 5/11.A
- 5) Effective Date of Rulemaking: June 20, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 20, 1997
- 9) Notice of Proposal Published in Illinois Register: March 21, 1997 21 Ill Reg 3570
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: No substantial changes were made. The only changes made were the ones agreed upon with JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Section 130.293 - Add new Section to provide for the notification filing with and payment of fees to the Secretary of State by issuers of covered securities and the registration of securities for the refusal to file.
- 16) Information and questions regarding this adopted amendment shall be directed to:
Name: Theresa Oxtoby
Address: Secretary of State
Illinois Securities Department
Lincoln Tower, Suite 200
Springfield, Illinois 62701
Telephone: (217)785-2256

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The full text of the Adopted Amendment begins on the next page:

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TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 130

REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

SUBPART A: RULES OF GENERAL APPLICATION

Section
130.100
130.101
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130.135

Business Hours of the Securities Department
Computation of Time
Payment of Fees
Place of Filing
Date of Filing
Registration of Securities under Section 5 or 7 of the Act Utilizing the SRD

130.140
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130.142
130.143
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130.145
130.190

Requirements as to Proper Form
Additional Information
Additional Exhibits
Information Unknown or Not Reasonably Available
Requirements as to Paper, Printing, and Language
Number of Copies--Signatures
Provisions for Granting of Variance from Rules

SUBPART B: DEFINITIONS

Section
133.200
130.201

Definitions of Terms Used in the Act and the Rules
Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act

130.202

Definition of the Term "Fractional Undivided Interest", as Used in Section 2.1 of the Act with Reference to Oil and/or Gas Leases, Rights or Royalties

130.205

Definition of the Term "Issuer" as Used in Section 2.2 of the Act as Applied to Fractional Interests in Oil, Gas and Other Mineral Leases, Rights or Royalties

130.210

Definition of Acts Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act

130.211

Definition of Acts Not Constituting an "Offer" of Securities under Section 5, 6 or 7 of the Act

130.212

Definition of Acts Not Constituting an "Offer" Under Section 2.5a of the Act (Testing the Waters)

130.215

Definition of "Commission From an Underwriter or Dealer Not in Excess of the Usual and Customary Distributors' or Sellers' Commissions", as Used in Section 2.6 of the Act for Certain Transactions

130.216

Definition of "Participates" and "Participation", as Used in Section

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2.6 of the Act in Relation to Certain Transactions

Definition of "Regularly Engaged in Securities Sales Activities", as Used in Section 2.9 of the Act

Exclusion of Certain Persons from the Definition of Investment Adviser in Section 2.11 of the Act

Definition of "Investment Fund Shares", as Used in Section 2.15 of the Act in Relation to Certain Issuers

Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(L) of the Act

Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.O of the Act

Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act

Definition of the Term "Institutional Investor" under Sections 4C and 4D of the Act

Definition of the Term "Financial Institution" under Sections 4C and 4D of the Act

Definition of "Issuer Required to File Reports Pursuant to the Provisions of Section 13 or Section 15(d) of the Federal 1934 Act" with Respect to Certain Foreign Private Issuers and "Reports Required to be Filed at Regular Intervals Pursuant to the Provisions of Section 13 or Section 15(d)" as Used in Section 4(F)(1) of the Act

Definition of the Terms "Balance Sheet" and "Income Statement", as Used in Section 4.F of the Act

Definition of the Terms "Residents of this State", "Aggregate Sales Price" and "Sales Made in Reliance Upon the Exemption" Under Section 4(G) of the Act and "General Advertising or General Solicitation" Under Sections 4(G), 4(H), 4(M) and 4(R) of the Act

Definition of the Term "Public" as Used in Section 4(G)(4) of the Act

Definition of the Terms "Offers for Sale" and "Solicitations of Offers to Buy", as Used in Section 4.L of the Act

Definition, For Certain Purposes, of the Terms "Commissions, Remuneration or Discounts", as Used in Section 4 and Section 5 of the Act

Definition of the Term "Maximum Aggregate Price", as Used in Section 5 of the Act

Definition of Certain Persons Not Considered to Be Dealers Under Section 2.7 of the Act

Definition of the Term "Branch Office", as Used in Section 8 of the Act

Definition, For Certain Purposes, of the Term "Officers", as Used in Section 2.9 and Section 8.B.(6) of the Act

Definition, For Certain Purposes, of the Terms "Inequitable", "Tend

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to Work a Fraud or Deceit", "Inequitable Practice in the Sale of Securities", and "Fraudulent Business Practices", as Used in Section 8 and Section 11 of the Act

130.291 Definition of the Terms "Fraudulent" and "Work or Tend to Work a Fraud or Deceit" as Used in Sections 11.E and 12.F of the Act for Purposes of the Payment of Completion Costs in Connection with the Offer or Sale of Securities Involving an Oil, Gas or Other Mineral Lease, Right or Royalty

SUBPART C: FEDERAL COVERED SECURITIES AND TRANSACTIONS
EXEMPT-SECURITIES

Section
 130.293 Issuers of Covered Securities Required to File Notifications and Pay Fees and the Refusal to File Notifications or Pay Fees

130.370 Automated Quotation System Deemed to Have Substantially Equivalent Standards for Designation as Required By One or More Exchanges Set Forth in Section 3(G) of the Act (Repealed)

SUBPART D: EXEMPT TRANSACTIONS

Section
 130.420 Uniform Limited Offering Exemption Pursuant to Section 4.D of the Act

130.436 Procedures for Applying for Trading Authorization Pursuant to Section 4(F)(2) of the Act

130.440 Procedures for Filing Reports of Sale under Section 4(G) of the Act

130.441 Calculation of Number of Persons Under Section 4.G or 4.M of the Act

130.442 Report of Sale of Securities pursuant to Section 4(G) of the Act

130.490 Procedures for Filing Reports of Sale under Section 4.P of the Act

130.491 Report of Sale of Securities Pursuant to Section 4(P) of the Act

SUBPART E: REGISTRATION OF SECURITIES

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 130.501 Title of Securities

130.502 Financial Statement Requirements

130.503 Disclaimer of Control

130.505 Formal Requirements as to Consents

130.506 Consents Required in Special Cases

130.507 Application to Dispense with Consent

130.508 Consent to Use of Material Incorporated by Reference

130.510 Procedures for Registration of Securities by Coordination under Section 5.A of the Act

130.520 Procedures for Registration of Securities by Qualification under Section 5.E of the Act

130.525 Procedures for Registration of Securities by Qualification under Section 5.B(7) of the Act, Small Company Offering Registration

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("SCOR") on Form U-7

130.530 Renewal of Registration of Securities Under Section 5(E) of the Act

130.531 Computation of Fees

130.532 Registration of Additional Securities Pursuant to Section 5(C)(2) of the Act

130.533 Formal Requirements for Amendments Under Section 5 of the Act

130.534 Powers to Amend or Withdraw Registration Statement

130.535 Signatures of Amendments

130.536 Delaying Amendments

130.538 Withdrawal of Registration Statement, Amendment or Exhibit Filed Under the Federal 1933 Act.

130.540 Applications for Trading Authorizations and Post-Effective Amendments

130.550 Additional Fees Under Section 5 of the Act

130.570 Legibility of Prospectuses

130.571 Presentation of Information in Prospectuses

130.572 Summaries or Outlines of Documents

130.573 Preparation of Application for Registration

130.574 Incorporation of Certain Information by Reference

130.575 Form of and Limitation Upon Incorporation by Reference

130.576 Statement Required in Prospectuses

130.577 Prospectuses Supplementing Preliminary Material Supplied Previously

130.578 Application of Amendments to this Part Governing Contents of Prospectuses

130.581 Statement as to Stabilizing Required in Prospectuses Filed Under Section 5.B of the Act

130.582 Contents of Prospectus When Two or More Registrations Are in Effect Under Section 5.B of the Act

130.590 Identifying Statements

130.591 Requirements as to Appraisals

130.592 Omission of Substantially Identical Documents

130.593 Incorporation of Exhibits by Reference

SUBPART F: FACE AMOUNT CERTIFICATE CONTRACTS

Section
 130.600 Preamble

130.610 Procedures for Registration of Face Amount Certificate Contracts by Coordination under Section 6.A of the Act

130.630 Renewal of Registration of Face Amount Certificate Contracts Under Section 6(F) of the Act

130.650 Additional Fees Under Section 6 of the Act

SUBPART G: INVESTMENT FUND SHARES

Section
 130.700 Preamble

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130.701 Title of Investment Fund Shares Registered Under Section 5 or 7 of the Act

130.710 Procedures for Registration of Investment Fund Shares by Coordination under Section 7.A of the Act

130.715 Amendatory Statement for the Registration of Additional Class or Classes or the Reporting of a Change in Organization or Operations Pursuant to Section 7(D) of the Act

130.730 Renewal of Registration of Investment Fund Shares Under Section 7(G) of the Act

130.750 Additional Fees Under Section 7 of the Act

130.771 Acts Which "Work or Tend to Work a Fraud or Deceit", in Connection with Offers, Sales or Dispositions of Investment Fund Shares

SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS

Section
130.805 Exemptions From Registration as an Investment Adviser Under Section 8(A) of the Act

130.810 Procedures for Registration as a Dealer Under Section 8.B of the Act

130.811 Procedures for Perfecting an Investment Adviser Exemption under Section 2.11(6) of the Act (Repealed)

130.820 Procedure for Renewal and Withdrawal from Registration as a Dealer

130.821 Reporting of Dealer Branch Office Location(s) and Required Fees

130.822 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge of Each Principal Under Section 8.B(9)(a) of the Act Prior to Registration as a Dealer

130.823 Procedure for Requesting Waiver of Dealer, Salesperson or Investment Adviser Examination Requirements

130.824 Financial Statements to be Filed by a Registered Dealer

130.825 Records Required of Dealers and Customer Fees

130.826 Registered Dealer Net Capital Requirement

130.827 Confirmations

130.828 Notice of Materially Adverse Financial Condition Required to Be Filed With the Securities Department By a Registered Dealer

130.829 Investor Protection Requirement of a Dealer Registered Under Section 8 of the Act

130.832 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8(C)(7) of the Act for Registration as a Salesperson

130.840 Procedures for Registration as an Investment Adviser Under Section 8.D of the Act

130.841 Reporting of Investment Adviser Branch Office Location(s) and Required Fees

130.842 Examinations and Education Programs Deemed Satisfactory for Purposes of Determining Sufficient Knowledge for Each Principal Under Section 8(D)(9) of the Act Prior to Registration as an Investment Adviser

130.844 Statement of Financial Condition to Be Filed By a Registered Investment Adviser Which Retains Custody of Client's Cash or

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Securities or Accepts Pre-Payment of Fees in Excess of \$500.00 Per Client and Six (6) or More Months in Advance and Interim Financial Statements

130.845 Records Required of Investment Advisers

130.846 Written Disclosure Statements of a Registered Investment Adviser Financial and Disciplinary Information That Investment Advisers Must Disclose to Clients

130.850 Account Transactions

130.851 Commission, Profit or Other Compensation

130.852 Compensation

130.853 Account Transactions

130.854 Use of the Term "Investment Counsel"

130.860 Additional Fees Under Section 8 of the Act

130.872 Procedure with Respect to Abandoned Dealer Applications

130.873 Procedure with Respect to Abandoned Investment Adviser Applications

SUBPART J: SERVICE OF PROCESS

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130.1001 Service of Process upon the Secretary of State

SUBPART K: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section
130.1100 Preamble

130.1101 Qualifications and Duties of the Hearing Officer

130.1102 Notice of Hearing

130.1103 Institution of a Contested Case by the Securities Department

130.1104 Requirement to File an Answer

130.1105 Amendment or Withdrawal of the Notice of Hearing

130.1106 Representation

130.1107 Special Appearance

130.1108 Substitution of Parties

130.1109 Failure to Appear

130.1110 Motions

130.1111 Requirements Relating to Continuances

130.1112 Rules of Evidence

130.1113 Form of Papers

130.1114 Bill of Particulars

130.1115 Discovery

130.1116 Examination of Witnesses

130.1117 Subpoenas

130.1118 Pre-Hearing Conferences

130.1119 Record of a Pre-Hearing Conference

130.1120 Hearings

130.1121 Record of Proceedings

130.1122 Record of Hearing

130.1123 Orders

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130.1124 Burden of Proof
 130.1125 Stipulations
 130.1126 Open Hearings
 130.1127 Corrections to the Transcript
 130.1128 Imposition of Fines
 130.1129 Application for Hearing to Present Newly Discovered Evidence

SUBPART O: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section
 130.1520 Request for Non-Binding Statements

SUBPART P: SAVINGS PROVISIONS

Section
 130.1661 Investors Syndicate of America, Inc.
 130.1662 State Bond and Mortgage Company

SUBPART Q: PUBLIC INFORMATION

Section
 130.1701 Inspection of Applications
 130.1702 Inspection of Dealer, Salesperson and Investment Adviser Records
 130.1703 Non-Public Distribution of Information

AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5].

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective May 19, 1982; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg. 17427, effective December 31, 1983, for a maximum of 150 days; emergency expired May 31, 1984; emergency amendment at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of 150 days; emergency expired June 17, 1984; emergency repealer at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; emergency expired December 17, 1984; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10753, effective June 3, 1986; recodified at 10 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5188, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6000, effective March 27, 1992; amended at 20 Ill. Reg. 14185, effective October 21, 1996; amended at 21 Ill. Reg. 7523, effective May 23,

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1997; amended at 21 Ill. Reg. 841, effective _____.

SUBPART C: FEDERAL COVERED SECURITIES AND TRANSACTIONS
EXEMPT-SECURITIES

Section 130.293 Issuers of Covered Securities Required to File Notifications and Pay Fees and the Refusal to File Notifications or Pay Fees

a) Except as otherwise provided herein, each issuer of covered securities shall annually file with the Secretary of State a notification and fee as follows:

- 1) Issuers of securities being offered pursuant to Regulation D, Section 506 of the Federal 1933 Act, shall file Form D together with a \$100 fee.
- 2) Issuers of shelf offerings shall file page one of Form U-1 together with a fee of 1/20th of 1% of the maximum aggregate offering price, but in no event shall such fee be less than \$500 nor more than \$6,000.
- 3) A series issuer of securities shall file page one of Form U-1 together with a fee of 1/20th of 1% of the maximum aggregate offering price, but in no event shall such fee be less than \$500 nor more than \$3,000.
- 4) Issuers of face amount certificate contracts shall file page one of Form U-1 together with a fee of \$1,000.
- 5) Issuers of open-end investment fund shares shall file page one of Form U-1 or Form 7G together with a fee of \$1,000 plus \$100 for each series, class or portfolio.
- 6) All other issuers of covered securities that are required to file a notification and pay fees to the Secretary of State shall file page one of Form U-1 together with a fee of 1/20th of 1% of the maximum aggregate offering price, but in no event shall such fee be less than \$500 nor more than \$2,500.

b) In lieu of page one of Form U-1 or Form 7G, the Secretary of State may permit the use of any other uniform form which he or she has adopted by order of this Section.

c) In the event the notification or the full amount of fees required by this Section is not filed with or paid to the Secretary of State, the Secretary of State shall notify the issuer of such deficiency in writing, or by facsimile or electronic transmission (provided that the Securities Department can demonstrate in the normal course of its business that the notice was delivered or transmitted to and received by the issuer or his, her or its designee). In the event the issuer fails to remedy the deficiency within ten business days after receiving notice of such deficiency from the Secretary of State, the Secretary of State may deem such as a refusal and may, until October 11, 1999, require the issuer to register its securities pursuant to subsection A or B of Section 5, 6, or 7 of the Act, as the case may be.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- d) The provisions of this Section shall not apply to any security listed or authorized for listing on the New York Stock Exchange or the American Stock Exchange, or that is listed on the National Market System of the Nasdaq Stock Market, or any successor to such entities, or listed or authorized for listing on a national securities exchange, or tier or segment thereof, that has listing standards that the federal SEC by rule, on its own initiative or on the basis of petition determines are substantially similar to the listing standards applicable to securities described in this Section, or is a security of the same issuer that is equal in seniority or that is a senior security.

(Source: Added at 21 Ill. Reg. 2415, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Aid to Families with Dependent Children (being changed to Temporary Assistance for Needy Families)
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers:
- | | | | | |
|---------|---------|---------|---------|---------------------------------------|
| 112.1 | 112.8 | 112.30 | 112.52 | <u>Emergency Action:</u>
Amendment |
| 112.60 | | | | Repeal; New Section |
| 112.61 | 112.62 | 112.63 | 112.64 | Repeal |
| 112.65 | 112.67 | | | Amendment |
| 112.68 | 112.69 | | | New Section |
| 112.70 | 112.71 | 112.72 | | Amendment |
| 112.73 | | | | Repeal |
| 112.74 | | | | Amendment |
| 112.75 | | | | Repeal |
| 112.76 | 112.77 | 112.78 | 112.79 | Amendment |
| 112.81 | | | 112.80 | Repeal |
| 112.82 | 112.83 | | | Amendment |
| 112.84 | 112.85 | 112.86 | 112.87 | Repeal |
| 112.89 | 112.90 | 112.91 | 112.93 | Repeal |
| 112.98 | | | | Repeal |
| 112.101 | 112.110 | 112.127 | | Amendment |
| 112.128 | | | | Repealed |
| 112.130 | 112.131 | 112.132 | 112.133 | Amendment |
| 112.137 | 112.140 | 112.141 | 112.142 | Amendment |
| 112.144 | 112.145 | 112.147 | 112.150 | Amendment |
| 112.152 | 112.155 | 112.250 | 112.251 | Amendment |
| 112.253 | 112.254 | | | Amendment |
| 112.255 | | | | New Section |
| 112.300 | 112.302 | | | Amendment |
| 112.303 | 112.304 | 112.305 | 112.307 | Amendment |
| 112.308 | | | | Repeal |
| 112.320 | 112.330 | 112.331 | | Amendment |
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193)
- 5) Effective Date of Amendments: July 1, 1997
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: July 1, 1997
- 8) Reason for Emergency: These emergency amendments are necessary to comply with the passage of the Personal Responsibility and Work Opportunity

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Reconciliation Act of 1996 (Public Law 104-193) which changed the way income support is provided to families in the United States. Each state is responsible for developing a plan to provide help for needy families. In Illinois, the program will be called Temporary Assistance for Needy Families or TANF.

TANF will replace the Aid to Families with Dependent Children (AFDC) program beginning July 1, 1997. These emergency amendments are necessary to implement TANF effective July 1, 1997. 305 ILCS 5/12-13.05, as added by Section 10 of PA 90-17, allows the use of emergency rulemaking to implement these changes.

9) Complete Description of the Subjects and Issues Involved:

Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. Such a replacement of the AFDC program results in changes to:

1. the grant structure;
2. the family assistance units;
3. the asset levels for determining eligibility;
4. the treatment of income received by family units;
5. the length of time assistance will be provided;
6. employment and training activities; and
7. the treatment of lump sums.

A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193). The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for tens of thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997.

Federal requirements in the TANF program include a five-year, life-time limit on cash assistance and a requirement that families on cash

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assistance be in work activities after 24 months on aid. A month in which a parent works while receiving a cash grant would not be counted toward the family's five-year limit.

The TANF plan continues Illinois' successful Work Pays program, which has provided incentives for welfare clients to go to work. Instead of a \$1 reduction in aid for every \$1 earned in gainful employment, Work Pays participants are reduced \$1 for every \$3 of earnings. Since Work Pays was introduced in November 1993, more than 81,000 families have left welfare because of employment, and the number of current clients with jobs each month has jumped by 178 percent to nearly 40,000.

The TANF plan maintains the Targeted Work Initiative, Get a Job, Family Cap and the requirements for teen parents to live at home and remain in school to qualify for cash assistance. The time in which teen parents have their own TANF cases will not count against their five-year limit on cash assistance.

The TANF plan expands the School Attendance Initiative to add middle schools to elementary schools and increases efforts by the State to reduce out-of-wedlock births.

TANF clients will be permitted to have up to \$3,000 of assets, such as savings, compared to the current level of \$1,000. The increased asset limitation is designed to encourage clients to save money to help them get off welfare. A home, car, household furnishings and clothing are not counted toward the asset limit.

All adults and minor parents on TANF will be required to sign a Responsibility and Services Plan which will address child immunizations, school attendance, family well-being and goals to become economically self-supporting. Clients will face loss of benefits for failing to follow through on the plan, as long as the Department provides the necessary supportive services.

Minor parents under age 18 with no child under the age of 12 weeks may receive assistance only if they have successfully completed high school, have a GED certificate, or are attending school. If these requirements are not met, their children may receive assistance even though the parent does not.

The Department also will conduct assessments of all adults and minor parents on TANF to determine the appropriate placement in work-related activities.

TANF is designed to temporarily provide help while a family moves to self-sufficiency. There are three time limits relevant to the Illinois program:

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assistance payment. Families may be composed of:

1. children and no more than two related adults;
2. a pregnant woman with no children and her spouse, if living with her.

Felons and Parole or Probation Violators

This rulemaking also establishes that persons convicted for acts that occur after August 21, 1996 of a Class X or Class 1 felony involving the possession, use or distribution of a controlled substance under Illinois or comparable federal law will not receive payment. Persons convicted for acts that occur after August 21, 1996 of any drug-related felony not listed in subsection (a) of 89 Ill. Adm. Code 112.69, under Illinois or federal law, who are not in treatment or aftercare will be ineligible for two years following the date of the conviction. Persons convicted in state or federal court of misrepresenting an address to receive assistance from programs funded by a federal TANF grant, Title XIX, the Food Stamp Act of 1977, or the Supplemental Security Income program in two or more states will be ineligible to participate in the Illinois TANF program for a ten-year period beginning with the date of the conviction. Also, probation, parole violators and fugitive felons will not be eligible.

Family members of the persons ineligible under subsections (a) through (f) of 89 Ill. Adm. Code 112.69 may be eligible, unless the ineligible person is the only child in the family. In considering eligibility and the amount of assistance for such family members, the income and resources of the ineligible person will be considered available to them.

Sanctions

Under TANF, sanctions will be consistent regardless of the reason and the provisions will guarantee fairness with a right to correct the problem. Sanctions will not be applied to a single custodial parent of a child under age 6 if child care is not available because none is available within reasonable distance of the family's home, or informal child care from a relative or elsewhere is not available or not suitable, or appropriate and affordable formal child care arrangements are not available.

Sanctions for failure to cooperate with employment or child support activities will be applied to families participating in TANF. The first instance of non-cooperation will result in the assistance payment being reduced by 50% until the cooperation requirement is satisfied or three months of reduced payments have been issued. If cooperation has not occurred at the end of three months, the entire assistance payment will be discontinued.

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1. Families whose youngest child is age 13 or more may only receive 24 months of TANF. Any month the grant is decreased due to earnings will not count as one of the 24 months.

2. No family may receive TANF if one or both adults have received 60 months of TANF benefits. All months of TANF benefits are counted against the 60, including those received in other states, and in non-continuous months. State funds will be used to provide assistance to families with earned income and teen parents who are exempt from the live-at-home provision. Therefore, the five-year limit will not apply to these cases.

3. All families must engage in work activities within 24 months or, if earlier, whenever determined able to work.

These time limits, expected to be adequate for families to move to self-sufficiency, are a clear mandate that welfare is not a long term benefit.

Current AFDC families will not be required to file a new application to participate in the Illinois TANF program. This assures an equitable transition and provides for uninterrupted assistance payments.

These emergency amendments establish that:

- A. Child only assistance will serve:

1. children living with a relative other than a parent when the relative chooses not to be included in the assistance payment; and
2. children who meet the citizenship requirements and are living with parents who are not eligible because they are not U.S. citizens or qualified aliens.

- B. Temporary assistance for families will serve families which do not have an employed family member. Families may be composed of:

1. Children and no more than two related adults; or
2. a pregnant woman with no children and her spouse, if living with her.

Families participating in work activities, but not employed, will be included in this component.

- C. Temporary assistance for employed families will serve families which contain at least one employed family member in the assistance payment, whose earnings are considered in determining eligibility and the

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The second instance of non-cooperation will result in the assistance payment being reduced by 50% for a minimum of three months. If cooperation has not occurred at the conclusion of three months, the entire assistance payment will be discontinued.

The third and any subsequent instances of non-cooperation will result in the payment being discontinued for a minimum of three months and will not be resumed until cooperation has occurred.

Sanction penalties will accumulate by family, not by person, during any single period of continuous assistance. A loss of all cash assistance due to a sanction will not be considered a break in assistance. If a family member's non-cooperation occurs during a sanction period which was the result of another member's non-cooperation, the next progressive sanction will apply.

These emergency amendments also exempt:

- Payments to a member of the Passanaquoddy Indian Tribe, the Penobscot Nation or the Houlton Band of the Maliseet Indians pursuant to the Maine Indian Claims Settlement Act of 1980.
- Up to \$2000 per year of income received by individual Indians, which is derived from leases or other uses of individually-owned trust or restricted lands pursuant to Section 13736 of P.L. 103-66.
- Payments based on disability status in an amount up to the Supplemental Security Income (SSI) payment level for one person with no income. This disregard applies to disability benefits from Social Security (including SSI), Railroad Retirement Disability, Department of Veterans Affairs (100% disability only), and Black Lung.
- Two dollars of every three dollars of excess child support distributed by the child support agency to a family with earnings budgeted.

Lump-Sum Payments

Lump-sum payments that bring a family's countable resources up to the asset disregard level for that family's size will not be counted in determining eligibility. However, that portion of a lump-sum payment that exceeds the amount that brings the family's countable resources up to the asset disregard level for that family's size will be considered as follows:

1. If the amount is less than the assistance payment level, the assistance payment for the month following the receipt of the lump-sum payment will be reduced by that amount.

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2. If the amount is greater than the assistance payment level, the following action will be taken based on the specific amount of the lump-sum payment:

- a. If the amount is \$1000 or less, the family will be ineligible for one month.
- b. If the amount is more than \$1000, but less than or equal to \$2000, the family will be ineligible for two months.
- c. One additional month of ineligibility will be added for each \$1000 increment.

Earned Income Exemption

At the time of application for assistance, each employed applicant will be allowed a \$90 deduction from earned income. The remainder, plus all other budgetable income, will be compared to the payment level to determine eligibility. For employed recipients, all available income will be compared to the federal poverty level to determine continued eligibility. If eligible, one-third of each individual's earnings and all other budgetable income will be deducted from the family's payment level. The earned income exemption will not apply when determining initial eligibility. If the assistance unit is determined eligible without the earned income exemption, the two-thirds deduction will be applied.

Unavailable Assets

An asset will be considered unavailable if the co-owner refuses to make the asset available or the client is unwilling to avail himself or herself of the asset because the co-owner has engaged in violent activity against a family member in the past.

Exempt Assets

These emergency amendments exempt:

1. one automobile per assistance unit;
2. the value of any savings in which the money accumulated from the earnings of a child; and
3. the value of equipment and inventory needed for a functioning self-employment enterprise or being held in accordance with a responsibility and services plan for the establishment of a self-employment enterprise.

In addition to the exempt assets listed in 89 Ill. Adm. Code 112.151, the

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Department will disregard up to \$2000 of equity value of other resources for a one-person family and up to \$3000 of equity value of other resources for a two-person family. The asset disregard will increase \$50 for each additional person (for example, \$3050 for a three-person family and \$3100 for a four-person family).

Reporting Requirements for Clients with Earnings

All assistance units which contain a member who is employed or who has lost employment within the last three months must submit a written completed report form to the Department quarterly. The information to be reported will be regarding the assistance unit's income, assets, family composition and other factors pertinent to eligibility for the budget month and any changes in these factors which the unit expects to occur in the current month or in future months.

All units which must report quarterly will have benefits calculated for three months by considering income and attendant circumstances on a prospective basis. Earnings will be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for a three-month period.

Clients who experience a decrease in income below the amount anticipated may be eligible for a supplemental payment. A supplemental payment must be requested in writing. Eligibility for a supplemental payment may exist if the gross earned (minus self-employment business expenses, if any) and unearned income (including the assistance payment) received from all sources for the payment month is less than the payment level for an assistance unit of comparable size. If these conditions are met, the amount of supplemental payment the client is eligible to receive, if any, will be determined by adding the gross earned income (minus self-employment business expenses and the two-thirds earned income deduction) and the gross unearned income (including the assistance payment) received in the payment month. This amount is subtracted from the payment level for an assistance unit of comparable size. If the difference is \$10 or more, the client is eligible for a supplemental payment. The supplemental payment for which the client is eligible is the amount of the difference.

Clients who experience an increase in income above the amount anticipated will not be referred for an overpayment based on the increased income.

At intake, actual amount of income received in the Initial Prorated Entitlement (IPE) period will be used to determine the IPE amount. The first regular roll payment amount will be computed using income averaging.

When the completed quarterly report is received, the Department will

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determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. If the grant is being reduced or terminated, as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived.

If the Department does not receive the quarterly report or receives only an incomplete report, cash assistance may be terminated. The Department must send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed report on time. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested on or before the date of change or within ten calendar days after the date of notice, whichever is later, assistance will be reinstated to the level of the prior month.

If a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the entire three-month period will be determined. If eligible, all the applicable earned income disregards will be allowed for the entire three-month period.

If a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the month of receipt and the third month, if applicable, will be determined. Eligibility for a cash payment for the first payment month of the three-month period will not exist. The client will be allowed all the applicable earned income disregards for those months for which eligibility is determined.

All caretaker relatives who are required to file quarterly reports will be notified of their responsibility, receive a complete explanation of the requirements and be informed of the due date for the first report.

Other Provisions

These emergency amendments establish that:

1. A pregnant woman and her spouse (if living together), who would be eligible for TANF when the child is born, may receive assistance as an adult or adults only.
2. When an unmarried pregnant woman is receiving or is eligible to receive cash assistance as a child in a TANF case and the child's legal father is not present, the woman is not eligible for cash

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assistance as an Adult only pregnant woman.

Companion amendments are also being proposed in 89 Ill. Adm. Code 101, 104, 111, 114, 116, 117, 160, 165 and 170.

10) Are there any Proposed Amendments pending to this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.352	Amendment	January 17, 1997 (21 Ill. Reg. 797)
112.354	Amendment	January 17, 1997 (21 Ill. Reg. 797)

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-0081

The full text of the Emergency Amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
AID-TO-FAMILIES-WITH-DEPENDENT-CHILDREN

SUBPART A: GENERAL PROVISIONS

Section	Description of the Assistance Program
112.1	EMERGENCY
112.5	Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	Description of the Assistance Program
112.8	Caretaker Relative
112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Basis of Eligibility
112.61	Death of a Parent
112.62	Incapacity of a Parent
112.63	Continued Absence of a Parent
112.64	Unemployment of the Parent
112.65	Restonsibility and Services Employment Plan
112.66	Alcohol and Substance Abuse Treatment
112.67	Restriction in Payment to Households Headed by a Minor Parent
112.68	School Attendance Initiative
112.69	Felons and Violators of Parole or Probation

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EMERGENCY
112.87 Project Advance Experimental and Control Groups (Repealed)
EMERGENCY
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
EMERGENCY
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
EMERGENCY
112.90 Project Advance Sanctions (Repealed)
EMERGENCY
112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
EMERGENCY
112.93 Individuals Exempt From Project Advance (Repealed)
EMERGENCY
112.95 Project Advance Supportive Services (Repealed)
EMERGENCY

SUBPART F: EXCHANGE PROGRAM

Section
112.98 Exchange Program (Repealed)
EMERGENCY

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
112.100 Unearned Income
112.101 Unearned Income of Stepparent or Parent
EMERGENCY
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
112.110 Exempt Unearned Income
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112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earmarked Income
112.127 Lump Sum Payments
EMERGENCY
112.128 Protected Income
EMERGENCY
112.130 Earned Income
EMERGENCY
112.131 Earned Income Tax Credit

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EMERGENCY
SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS JOBS OPPORTUNITIES-ANB-BASIC-SKILLS-TRAINING-(JOBS)-PROGRAM
Section
112.70 Employment and Work Activity Requirements Participation-Requirements for-JOBS
EMERGENCY
112.71 Individuals Exempt from TANF Employment and Work Activity Requirements JOBS
EMERGENCY
112.72 JOBS Participation/Cooperation Requirements
EMERGENCY
112.73 Adolescent Parent Program (Repealed)
EMERGENCY
112.74 Responsibility and Services Plan JOBS---Initial---Assessment Process/Development-of-an-Employability-Plan
EMERGENCY
112.75 Teen Parent Personal Responsibility Plan (Repealed)
EMERGENCY
112.76 TANF JOBS Orientation
EMERGENCY
112.77 Reconciliation Conciliation and Fair Hearings
EMERGENCY
112.78 TANF Employment and Work Activities JOBS-Components
EMERGENCY
112.79 JOBS Sanctions
EMERGENCY
112.80 Good Cause for Failure to Comply with TANF JOBS Participation Requirements

EMERGENCY
112.81 Responsible Relative Eligibility for JOBS (Repealed)
EMERGENCY
112.82 JOBS Supportive Services
EMERGENCY
112.83 Teen Parent Services Young-Parents-Program
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112.84 Work Experience Evaluation Project (Repealed)
EMERGENCY
112.85 Four Year College/Vocational Training Demonstration Project (Repealed)
EMERGENCY

SUBPART E: PROJECT ADVANCE

Section
112.86 Project Advance (Repealed)

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112.132	
<u>EMERGENCY</u>	
112.133	Budgeting Earned Income of Employed Applicants Employed--On--Date--of Application--end/Or--Date--Of--Decision
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112.134	Initial Employment
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112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-Contractual School Employees
112.137	Termination of Employment
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112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
<u>EMERGENCY</u>	
112.141	Earned Income Exemption
<u>EMERGENCY</u>	
112.142	Exclusion From Earned Income Exemption
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112.143	Recognized Employment Expenses
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112.144	Income from Work-Study and Training Programs From-Work-Study/Training Program
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112.148	Payments from the Illinois Department of Children and Family Services
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SUBPART H: PAYMENT AMOUNTS

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112.300	Persons Who May Be Included in the Assistance Unit
<u>EMERGENCY</u>	
112.301	Presumptive Eligibility
112.302	Monthly Reporting Requirements for Clients with Earnings
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112.303	Retrospective Budgeting
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112.304	Budgeting Schedule
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112.306	Foster Care Program
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112.308	Special Needs Authorizations
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112.309	Institutional Status
112.315	Young Parent Program (Renumbered)
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112.330	Extension of Medical Assistance Due to Increased Income from Employment
<u>EMERGENCY</u>	
112.331	Four Month Extension of Medical Assistance Due to Child Support Collections
<u>EMERGENCY</u>	
112.332	Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
112.340	New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

SUBPART J: CHILD CARE

Section

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112.350 Child Care
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Section
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 112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 25, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at

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5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11291, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1,

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1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4985, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg.

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705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill.

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Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 112.1 Description of the Assistance Program
EMERGENCY

The program provides temporary assistance for needy families. Clients are limited to 60 months of benefits as an adult. This is a lifetime limit and includes benefits received both in Illinois and other states. Months in which the family has 20 hours of employment per week will not count toward the 60-month limit. Months in which a family whose head is a teen parent will not count toward the 60-month limit. All parents or caretakers must engage in work activities within 24 months or, if earlier, when determined able to work.

Aid--to-Families-with-Dependent-Children-(APDC)--financial--assistance--medical assistance--and-social--services--available--to--families--with-one--or--more dependent-children--or--in-behalf--of--dependent-children-placed-in-foster-care-by the-Department--of-Children-and-Family-Services-(DPS);

- a) **Aid--to--Families--with--Dependent-Children-Foster-(APDC-F);--Payment issued-through-DPS-for-a-care-provided-by-a-licensed--foster-home--or private--non-profit-institution-to-an-eligible--child-placed-in-foster care;**
- b) **Aid-to-Families-with-Dependent-Children-Regular-(APDC-R);--Based--on the-death,absence-or-incapacity-of-a-parent;**
- c) **Aid--to--Families-with-Dependent-Children-Unemployed--(APDC-U);--Based on-unemployment-of-parent;**

(Source: Emergency amendment at 21 Ill. Reg. 3498, effective July 1, 1997, for a maximum of 150 day)

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.8 Caretaker Relative

EMERGENCY

- a) The caretaker relative is the specified relative with whom the child is living. When a dependent child lives with a parent, that parent shall be designated as the caretaker relative except as follows:

- 1) another relative in the home shall be the caretaker relative if DCFS has placed the child with the relative; or
 - 2) the relative has assumed responsibility for the child due to the parent's inability to adequately care for the child.
- b) Specified relatives are the following blood and adoptive relatives:

- 1) First Degree of Relationship:
 - A) father; or
 - B) mother.
- 2) Second Degree of Relationship:
 - A) brother;
 - B) sister;
 - C) grandfather; or
 - D) grandmother.
- 3) Third Degree of Relationship:
 - A) great-grandfather;
 - B) great-grandmother;
 - C) uncle;
 - D) aunt;
 - E) nephew; or
 - F) niece.
- 4) Fourth Degree of Relationship:
 - A) great-great-grandfather;
 - B) great-great-grandmother;
 - C) great-uncle;
 - D) great-aunt;
 - E) first cousin;
 - F) great-niece; or
 - G) great-nephew.
- 5) Fifth Degree of Relationship:
 - A) great-great-great-grandfather;
 - B) great-great-great-grandmother;
 - C) great-great-uncle;
 - D) great-great-aunt;
 - E) first cousin once removed;
 - F) second cousin;
 - G) great-great-niece; or
 - H) great-great-nephew.
- 6) Step-Relatives:
 - A) step-father;
 - B) step-mother;
 - C) step-brother; or
 - D) step-sister.
- 7) Person who is or has been married to one of the relatives listed in subsections (b)(1) through (6) above.

- c) Every TANF APDC-R-and-APDC-U case shall have one person designated as the caretaker relative. The caretaker relative does not have to meet a minimum or a maximum age requirement. If the caretaker relative is included in the assistance unit, this person shall be considered an adult.

- d) One person may be the caretaker relative for two separate TANF APDC financial assistance units only as follows:

- 1) The person, his or her child or children, siblings and the child or children's other parent ~~for-an-essential-person~~ shall receive

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TANF APPE in one assistance unit; and

- 2) A separate assistance unit shall be established when the person is also caretaker relative for other related children (for whom the person is not a parent). The second assistance unit must also contain an eligible parent or parents and siblings of the child or children in the unit.

- e) When a specified relative is no longer available to act as a caretaker relative, for children already receiving cash benefits, another person may serve as a Temporary Caretaker for a period not to exceed 90 days. "Living with" requirements of the child or children are the same as with a caretaker relative. The Temporary Caretaker will not be included in the assistance unit.

(Source: Emergency amendment at 21 Ill. Reg. 8428, effective July 1, 1997, for a maximum of 150 days)

Section 112.30 Age

EMERGENCY

- a) There is no minimum or maximum age requirement to be designated as or to receive assistance as a caretaker relative. If an individual receives financial assistance as a caretaker relative that individual shall not be considered as a child in the determination of the level of assistance.

- b) To be included in the assistance grant as a dependent child, the child must be under age 18 or age 18 and in a full-time secondary high school senior (for equivalent level) and will finish school before reaching age 19.

- 1) Dependent children who are 16 or 17 years of age and not in full-time school attendance must meet mandatory work demonstration program Illinois State Employment Services (WBP/ISBS) registration requirements.

- 1) During summer vacation a dependent child who intends to return to school or one who experiences a temporary illness (not to exceed 90 days) which precludes school attendance is to be considered a full-time student.

- 2) Full-time attendance must be in a school, college or university approved by the State Board of Education, defined as follows:

- A) High School -- 25 clock hours per week or in a special secondary education program of training which is designed to fit him or her for gainful employment and is defined by the school as full-time attendance.
- B) Vocational or technical school -- 30 clock hours per week when program involves shop practice, 25 clock hours per week when program does not involve shop practice.

- C) College or university -- 12 semester or quarter hours.

- C) Residential program -- a regular curriculum of instruction that is equivalent to that which leads to obtaining a high

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school diploma. The program may include various life skills and vocational training. If the child is age 18, the child must be expected to complete the program before attaining age 19.

(Source: Emergency amendment at 21 Ill. Reg. 8428, effective July 1, 1997, for a maximum of 150 days)

Section 112.52 Social Security Numbers

EMERGENCY

- a) To be eligible for TANF APPE, each individual individuals must furnish the Department his or her his/her Social Security Number Number. If more than one Social Security Number has been assigned to any individual individuals, all numbers are to be furnished.

- b) If a Social Security Number cannot be furnished, either because it has not been issued or is not known, application shall be made for a Social Security Number.

- c) Assistance will not be denied, delayed or discontinued pending the issuance or validation of a Social Security Number SSN if the individual, or someone acting responsibly for the individual applies for the Social Security Number SSN.

- d) Individuals for whom a Social Security Number is not furnished and for whom application for a Social Security Number is not made are ineligible for an assistance grant under the TANF APPE program.

(Source: Emergency amendment at 21 Ill. Reg. 8428, effective July 1, 1997, for a maximum of 150 days)

Section 112.60 Basis of Eligibility Back-of-Parental-Support-of-Care

EMERGENCY

- a) Child only assistance serves:

- 1) children living with a relative other than a parent when the relative chooses not to be included in the assistance payment;

- 2) children who meet the citizenship requirements and are living with parents who are not eligible because they are not U.S. citizens or qualified aliens;

- 3) children living with a parent or parents who are ineligible for a reason other than not being U.S. citizens or qualified aliens; and

- 4) children living with a parent or parents who receive Supplemental Security Income (SSI), Social Security Disability, Railroad Retirement Disability, 100% Veterans' Disability, or Black Lung payments in excess of the difference in the Payment Level including the parent or parents and the Payment Level excluding the parent or parents.

- b) Temporary assistance for families serves families that do not have an

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- child's eligibility for APBE-R only if the incapacity is expected to last for a period of at least 30 days and reduces substantially or eliminates a parent's ability to support the child or provide the care that the child requires.
- b) A finding of eligibility for Social Security benefits or State Supplemental Income (SSI) benefits based on disability or blindness is acceptable proof of incapacity for APBE-R purposes.
 - c) The incapacitated parent is required to accept medical treatment or rehabilitative services if recommended by the Department or by Department of Rehabilitation Services (DORS).
- (Source: Emergency repeal at 21 Ill. Reg. 3433, effective July 1, 1997, for a maximum of 150 days)

Section 112.63 Continued Absence of a Parent (Repealed)
EMERGENCY

- the continued absence of a parent exists as a basis for eligibility for APBE-R if:
- a) Paternity has not been established for the child or
 - b) The child is living separate and apart from a parent or parents.
- (Source: Emergency repeal at 21 Ill. Reg. 3433, effective July 1, 1997, for a maximum of 150 days)

Section 112.64 Unemployment of the Parent (Repealed)
EMERGENCY

- a) Unemployment of the parent is the basis of a child's eligibility for Aid to Families with Dependent Children Unemployment (APBE-U) whether or not the parent is in the assistance unit, when the parent is in the home and is employable but unemployed.
- b) The parent designated as unemployed must be the principal wage-earner of the family; the principal wage-earner is defined as the parent who earned the greater amount of income during the 24-month period prior to application for assistance or who earned the greater amount of income during the 24-month period prior to the date of change in the cause of dependency; i.e., the date that there is no longer an absent parent or incapacity ended for one of the parents (see Section 112.62(a) for a definition of "incapacity").
- c) As a condition of eligibility, the unemployed parent who is the principal wage-earner must:
 - 1) Apply for Unemployment Insurance (UI) benefits for which he has been referred by the Department, and
 - 2) Accept any unemployment insurance benefits for which he is eligible.
- d) In the counties of Franklin, Macon, Peoria, Tazewell, Vermilion, and Winnebago for cases which are assigned to a control group for the

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- employed family member.
- 1) Families may be composed of:
 - A) children and no more than two parents;
 - B) children, caretaker, and caretaker's spouse;
 - C) a pregnant woman with no children and her spouse, if living in the home; or
 - D) a caretaker relative whose only eligible child(ren) in the home receives Supplemental Security Income (SSI).
 - 2) Families participating in work activities, but not employed, are included in this component.
 - 3) The services for these families will focus on activities to move clients to self-sufficiency through work and child support.
 - c) Temporary assistance for employed families serves families that contain at least one employed family member in the assistance payment, whose earnings are considered in determining eligibility and the assistance payment.
 - 1) Families may be composed of:
 - A) children and no more than two parents;
 - B) children, caretaker, and caretaker's spouse;
 - C) a pregnant woman with no children and her spouse, if living in the home; or
 - D) a caretaker relative whose only eligible child(ren) in the home receives Supplemental Security Income (SSI).
 - 2) Service for these families will focus on upgrading their skills to achieve self-sufficiency.

to be eligible for Aid to Families with Dependent Children (APBE) and related Medical Assistance No Grant (WANG) assistance a child must be deprived in whole or in part of parental support or care by reason of the death of a parent, the incapacity of a parent, the continued absence of a parent, or the unemployment of the parent.

(Source: Emergency Section repealed, emergency new Section adopted at 21 Ill. Reg. 3433, effective July 1, 1997, for a maximum of 150 days)

Section 112.61 Death of a Parent (Repealed)
EMERGENCY

the death of either parent is a basis for a child's eligibility for Aid to Families with Dependent Children Regular (APBE-R)

(Source: Emergency repeal at 21 Ill. Reg. 3433, effective July 1, 1997, for a maximum of 150 days)

Section 112.62 Incapacity of a Parent (Repealed)
EMERGENCY

- a) The physical or mental incapacity of a parent is a basis for a

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Family-Responsibility-Project-as-a-condition-of-eligibility-for-cash assistance--the-unemployed-parent--who-is-the-principal-wage-earner must:

1) Participate-or-be-available-for-participation-in-Project-Chance (see-Sections-112.70-thru-112.83)-unless-exempt.

2) Register---for---employment---at---the---Department---of---Employment Security's-Job-Service-Office-if-exempt-from-Project-Chance-due to-remoteness-(see-Section-112.71);

e) A-parent-who-is-the-principal-wage-earner-is-unemployed--if:

1) The-parent-is-working-for-an-employer-or-is-self-employed-but-is working-less-than-100-hours-per-month--if-employment-equivalents-or exceeds-100-hours---during-a-particular-month-the-parent-may still-be-considered-unemployed-if-he-was-employed-for-less-than 100-hours-for-the---prior-two-months--and-is-expected-to-be employed-for-less-than-100-hours-for-the-following-month.

2) The-parent-is-not-working-and-he-has-not-worked-at-least-30-days

Prior-to-the-receipt-of-assistance.

3) The-parent-has-not-refused-an-offer-of-suitable--and---available employment--without-good-cause-for-at-least-30-days--prior-to-the receipt-of-assistance.

*AGENCY-NOTE:--Regardless-of-the-application-date--the-initial authorization-may-not-include-assistance-for-any-portion-of-the 30-day-period-since-discontinuation-of-or-refusal-to---accept--an offer-of-employment.

f) In--the--counties--of--Franklin--Macony--Peoria--Tazewell--Vermilion--and Winnebago--for-cases-which-are-assigned-to--a-control-group--for--the Family-Responsibility-Project--the-principal-wage-earner-is-unemployed if--he/she--has---established--a--connection--with-the-labor-force-by meeting-one--of--the-conditions-below:

1) The-principal-wage-earner--received---Unemployment---insurance benefits---within-one-year--prior-to-the-date--of--the--APBE application--or-within-one-year--prior-to-the-date--the--cause--of dependency-changed-to-unemployment--of--the-parent.

2) The-principal-wage-earner-has-at-least-six-work-quarters--within any-consecutive-12-calendar-quarters--within-16-calendar--quarters immediately-preceding-the-quarter-during-which--application--for APBE--is-made--or--the--date--the-cause-of-dependency-changed-to unemployment--of--the-parent--No-more-than-four-(4)-of-the-six--(6) may--be--quarters--of--work--defined-in-subsection-(f)(2)(b)(i) below:

A) A-calendar-quarter-is-defined-as--three--calendar--months: January--through--March--April--through--June--July--through September--or--October--through--December.

B) A-work-quarter-is-defined-as-a-calendar-quarter-in---which the-parent:

1) Earned-at-least-\$507-or

2) Participated---in---the---Project---Chance---Program---(see Sections-112.70-thru-112.83)-or

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iii) Attended-full-time-an-elementary-or---secondary--school or--an-approved-vocational-or-technical-training-course (see-Sections-112.130-and-112.140)-that-is-designed-to prepare--the---parent---for---gainful---employment---or participated---in--an-education--or--training--program established-under--the--Job--Training--Partnership--Act (JTPA)-(29-U.S.C-1501-et-seq.);

e) The-principal-wage-earner-performed-work-which-would-have qualified-him-for-unemployment-insurance-benefits-if-he-had applied---The-determination-of--whether--he-would--have qualified--is-made--by---establishing---that---during---any consecutive--four--of--the--first-eight--of--the--nine--calendar quarters-immediately-preceding-the-quarter-in-which-APBE-application-is-made-or-that-during-any-consecutive-four-of the-first-eight--of--the--nine--calendar--quarters--immediately preceding--the--quarter--in--which--the--cause-of-dependency changed-to-unemployment--of--the-parent--the-parent:

1) Earned-a-total-of-at-least-\$1600-gross--and

2) Earned-at-least-\$440-gross--in--3--of--the--4--quarters excluding--the--quarter--in--which--the--earnings--were--the highest;

g) Except-for-cases-assigned-to--a-control-group--in--the--counties--of Franklin--Macony--Peoria--Tazewell--Vermilion--and--Winnebago, subsections-(e)-and-(f)-above-do-not-apply-to-APBE-up-cases--in--the Family-Responsibility-Project.

(Source: Emergency repeal at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

Section 112.65 Responsibility and Services Employment Plan EMERGENCY

a) The Department shall advise every applicant and recipient of:

1) the requirement that all recipients move toward self-sufficiency; and

2) the value and benefits of employment.

b) Clients who are adults or minor parents As-a-condition-of-eligibility for-the-entire-assistance-unity-adult-applicants must prepare, sign and submit a personal Responsibility and Services Plan plan-for-achieving-employment. Active adult recipients who are adults or minor parents who have not previously prepared, signed and submitted a personal Responsibility and Services Plan plan-for-achieving employment must comply with the plan do-so. Department staff shall assist each client in completing the plan-if-the-client-requests-such assistance---This-condition-of-eligibility-applies-to-all-adult applicants-and-recipients-of-cash-assistance--except--those-who--have good-cause-for-not-completing-the-plan--Good-cause-exists-only-if-the applicant-or-recipient-is-employed-20-or-more-hours-per-week.

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- 1) First-sanction---The-client-is-deleted-from-the-cash-grant-until cooperation-as-defined-by-BASA;
- 2) Second-sanction---The-client-is-deleted-from-the-cash-grant-for three-months-or-until-cooperation-as-defined-by-BASA--whichever is longer;
- 3) Third--and--subsequent-sanctions--The-client-is-deleted-from-the cash-grant-for-six-months-or-until--cooperation--as--defined--by BASA--whichever-is-longer;
- c) Supportive services will be provided to enable the client to participate in the alcohol or substance abuse treatment program.
- d) Adults-in-the-experimental-cases-who-must-participate-in-an-alcohol-or substance-abuse-treatment-program-as-a-condition-of-eligibility--are ABS--mandatory--for--these--individuals--the The exemption criteria listed in Section 112.71 do not apply.
- e) The-provisions-of-this-Section--are--subject--to--receipt--of--federal waivers.

(Source: Emergency amendment at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

Section 112.67 Restriction in Payment to Households Headed by a Minor Parent EMERGENCY

- a) A minor parent (including a pregnant woman) under age 18 who has never married and the dependent child in his or her care must reside in the household of his or her parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement, in order to receive an TANF APBE cash payment unless:
- 1) The minor parent has no living parent or legal guardian whose whereabouts are known;
 - 2) No living parent or legal guardian of the minor parent allows the minor parent to live in his or her home;
 - 3) The minor parent lived apart from his or her own parent or legal guardian for a period of at least one year before either the birth of the dependent child or the minor parent's having made application for TANF APBE;
 - 4) The physical or emotional health or safety of the minor parent or dependent child would be jeopardized if they resided in the same residence with the parent or legal guardian;
 - 5) There is otherwise good cause for the minor parent and dependent child to receive assistance while living apart from the parent, legal guardian, or other adult relative, or an adult-supervised supportive living arrangement. These reasons are:
 - A) The parent or guardian lives out-of-state;
 - B) The parent or guardian is in an institution;
 - C) The parent or guardian is a substance abuser;
 - D) The return of the minor parent and child to the parent or guardian's home would result in a lease violation or

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- c) The Responsibility and Services Plan employment plan form includes the following:

- 1) job history;
- 2) job preferences; and
- 3) job search plans;
- 4) child immunization;
- 5) school attendance;
- 6) family well-being, including domestic violence;
- 7) family information;
- 8) income and assets;
- 9) child support;
- 10) education/training;
- 11) child care;
- 12) transportation;
- 13) legal; and
- 14) referral.

- d) This Section does not apply applies to Representative Payees all-APBE applicants-and-recipient-except-for--those--in--cases--designated--as control-cases-in-research-sites.

- e) A parent who refuses to complete the Responsibility and Services Plan, when appropriate for his or her family, renders the entire assistance unit ineligible. Supervisory approval is required to confirm refusal.

- f) A client who fails to follow up in taking the necessary steps that will lead to self-sufficiency, as decided upon in the Responsibility and Services Plan, is subject to sanction (see Section 112.79). Failure to comply with provisions relating to domestic violence will not result in sanction.

(Source: Emergency amendment at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

Section 112.66 Alcohol and Substance Abuse Treatment

EMERGENCY

- a) Adults All-designated-adult--APBE-R--and--APBE-U--clients--living--in demonstration--project--areas--{Kenwood, Oakland, Peoria, Pershing and Winnebago} identified as having an alcohol or substance abuse problem (see 77 Ill. Adm. Code 2060, Alcoholism and Substance Abuse Treatment and Intervention Licenses) must participate in an alcohol or substance abuse treatment program as-a-condition-of-eligibility unless the adult is employed 30 hours per week or more. APBE-cases-in-the demonstration-project-area-are-assigned--to--experimental--or--control groups--The-adults-in-the-experimental-cases-meeting-the-criteria-are subject-to-this-policy.
- b) Failure to participate, without good cause, in an alcohol or substance abuse treatment program, when there is a currently available treatment slot, will result in progressive sanction or sanctions (see Section 112.79) for-the-adult.

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- violation of local health or safety standards;
- E) The minor parent is placed by DCFS in independent living (see 89 Ill. Adm. Code 302.40(e)); or
 - F) The minor parent is in a licensed substance abuse program which would not be available if the minor returned to the parent or guardian's home.
- b) The minor shall have the right to choose among these approvable living arrangements. The Department shall not require the minor to explain why he or she chose one arrangement over another.
- c) When a minor parent and his or her dependent child are required to live with the parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement, then, where possible, the TANF APPE grant is paid to the adult who is responsible for supervising the minor. Otherwise, the minor receives the TANF APPE grant.
- d) Minor parents under age 19 with no child under the age of 12 weeks may receive assistance only if they have successfully completed high school, have a GED certificate, or are attending school. If these requirements are not met, they are subject to sanction (see Section 112.79).

(Source: Emergency amendment at 21 Ill. Reg. 8225, effective July 1, 1997, for a maximum of 150 days)

Section 112.68 School Attendance Initiative EMERGENCY

- a) Identification and Referral
- 1) Participating elementary schools will identify children in grades one through eight who receive TANF and who are not attending school regularly, as defined by the school. If the schools cannot address the families' problems that appear to be resulting in irregular school attendance, they will refer the families to participating social service networks. The family will be notified, in writing, of the referral and the consequences for non-cooperation with the referral.
 - 2) Social Service Networks should be specifically equipped to address the causes of truancy, at no cost to the family other than the normal co-payment under existing programs.
 - 3) Upon referral, a Social Service Network Representative will assess the specific family situation and will develop a service plan with the family that will include getting the child to regularly attend school.
 - 4) The service plan for the truant child in grades seven and eight is completed by the social service agency, school, juvenile justice system or other agency. The plan includes options such as community service, mandatory after school tutoring/mentoring programs, and working with juvenile advocates. It may also

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include suspension from extracurricular activities. Contact with law enforcement may also be involved.

- b) Use of Protective Payee
- 1) Upon failure of the family to cooperate with the referral, or with the service plan, as determined by the social service provider, the family will be placed under a Protective Payee with the Social Service Network Representative acting as the payee for the family's TANF grant. The provisions of 89 Ill. Adm. Code 117.10 shall otherwise apply.
 - 2) The Protective Payee will remain in effect until the family follows through with the service plan, as determined by the social service provider. The Protective Payee may be discontinued during the months of June, July and August at the option of the service provider.

c) Cash Assistance Sanctions

- 1) If a protective payee plan, as provided in subsection (c) of this Section, has been in effect for at least three months and the child continues to regularly miss school, as defined by the school, the cash assistance payment will be reduced by 50 percent of the family's payment level until the attendance is satisfactory. If attendance is not satisfactory after three months of reduced payments, the entire cash payment will be stopped.
- 2) For a second instance, the cash assistance payment will be reduced by 50 percent of the family's payment level for three months. If attendance is not satisfactory after three months of reduced payments, the entire cash payment will be stopped.
- 3) For a third instance and any subsequent instance, the family's entire cash assistance payment will be stopped for at least three months. Cash assistance will be reinstated for the fourth month if the requirement is met during the three-month sanction period. Sanction penalties accumulate by family, not by person, during any single period of continuous assistance. A single period of continuous assistance is not interrupted by a loss of all cash assistance due to a sanction. If a family member's non-cooperation occurs during a sanction period which was the result of another member's non-cooperation, the next progressive sanction shall apply.
- 5) Sanctions will not be applied during the months of June, July and August, except in the case of year-round schools.

(Source: Emergency added at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

Section 112.69 Felons and Violators of Parole or Probation EMERGENCY

- a) Persons convicted for acts that occur after August 21, 1996 of a Class

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X or Class 1 felony involving the possession, use or distribution of a controlled substance under Illinois or comparable federal law, will not receive payment.

b) Persons convicted for acts that occur after August 21, 1996 of any drug-related felony not listed in subsection (a) of this Section under Illinois or federal law, who are not in treatment or aftercare, are ineligible for two years following the date of the conviction.

d) Persons convicted in state or federal court of misrepresenting an address to receive assistance from programs funded by a federal TANF grant, Title XIX, the Food Stamp Act of 1977, or the Supplemental Security Income program in two or more states is ineligible to participate in the Illinois TANF program for a ten-year period beginning with the date of the conviction.

e) Probation and parole violators are not eligible.

f) Fugitive felons are not eligible.

g) Family members of the persons ineligible under subsections (a) through (f) of this Section may be eligible, unless the ineligible person is the only child in the family. In considering eligibility and the amount of assistance for such family members, the income and resources of the ineligible person are considered available to them.

(Source: Emergency added at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS FOR OPPORTUNITIES-AND-BASIC-SKILLS-TRAINING-(JOBBS)-PROGRAM

Section 112.70 Employment and Work Activity Requirements Participation Requirements-for-JOBBS EMERGENCY

Sections 112.70 through 112.83 describe the employment and work activity requirements for TANF clients and clients receiving family assistance from State funds only Job-Opportunities-and-Basic-Skills-Training-(JOBBS)-Program employment---education---and-training-participation---requirements---for-APBE clients. The purpose of TANF JOBBS is to provide temporary assistance to assure that needy individuals and families and assist them in obtaining obtain education, training and employment to that will help avoid long-term welfare dependence. The TANF Program JOBBS will focus on enhancing the long-term employability of TANF APBE clients by assessing the individual capabilities of each program participant, using the Family Assessment to create a Responsibility and Services plan to match allow-to-the-greatest-extent-possible the-individual's-preferences-in-completing-the-employment-plan-and-matching the participant to a suitable activity and employment goal. The program will offer a wide variety of intensive activities aimed at assisting the participant to acquire the education and/or work skills needed to meet the demands of the current labor market as well as in the future and to become self-sufficient. After 24 months of TANF receipt, participants will be working or participating

in a work activity as specified in the Responsibility and Services Plan in order to remain eligible for TANF. Work activities are appropriate activities to remove barriers to successful employment and to prepare TANF participants to achieve progress toward self-sufficiency. Upon completion of--the--individual's education--and/or training--all participants will seek employment as part of the employment plan--to the extent possible--the program will have as its first priority individuals, whether exempt or the categories of individuals who can participate in TANF employment or work activities JOBBS based upon budget analysis of activity component costs and federal TANF work outcome and performance Federal-JOBBS-participation requirements. The program offered in different counties of the State may vary depending on the extent that resources are available. Program services may be provided directly by the Illinois Department of Public Aid or through contract as--allowed-by-Federal-law. References to the Department or staff of the Department shall include contractors when the Department has entered into contracts for program services. In areas where the Department has contracted with community colleges, the program is called Opportunities. References to TANF and TANF JOBBS--and--JOBBS participants shall include Project-Chance-and-Project-Chance participants--and Opportunities and Opportunities participants.

a) Both exempt and nonexempt individuals receiving TANF APBE may participate in education and/or work activities individuals receiving TANF resources permit. Nonexempt individuals individuals receiving TANF APBE are required to participate in education and/or work activities JOBBS only to the extent there are resources available. Participation in education and/or work component activities may be mandated for nonexempt individuals. Minimally, one parent in a two-parent household will be required to participate in a work and/or work activity or other appropriate activity. Parents-in-the-APBE-B-case-may be required to participate in the Unemployed-Parent-Work-Experience component-unless-they-are-exempt-under-one-of-the-exemption-criteria (see-Section-112.71). Participation may be limited based on activity component cost or available funds for supportive services for participating individuals.

b) Education and/or work activities JOBBS services will also be offered to individuals who are exempt and volunteer wish-to-volunteer to participate to the extent resources allow. Volunteers-will-be-served first--However--participation-may-be-mandated-for--nonexempt individuals-if-needed-to-serve--adequate-numbers--in--the--target populations--or--if--State-resources-are-available-to-provide-services beyond-this-volunteer-population- Exempt and nonexempt individuals who volunteer to participate become a program participant when assigned to an activity upon completion of the Initial Assessment development-of-the-employment-plan-and-assignment-to-a-component (see-Section-112.74). Participation may be limited for volunteers if State resources are insufficient. A waiting list will be established by--geographical-area--to-serve--those-on-waiting-lists--in--each geographical-area--Volunteers-who-fail-to-attend-the-orientation and/or Initial Assessment meetings-will-not-be-sanctioned-----However

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exempt-and-nonexempt-volunteers-who-attend-the-orientation-meeting-and become-program-participants-by-completing-the-initial-assessment, development-of-the-employment-plan-and-assignment-to-a-component may-be-sanctioned-if-they-thereafter-do-not-meet-program-requirements without-good-cause-(see-Section-112.79). Nonexempt individuals who are mandated to participate but fail to participate attend-the-orientation-meeting-or-to-complete-the-initial-assessment, without good cause, will may be sanctioned.

c) In addition to work activities described in Section 112.78, work activities for TANF participants may also include:

- 1) a program in accordance with a plan developed with a provider of domestic violence services;
 - 2) a program to treat alcohol or drug abuse in accordance with the Responsibility and Services Plan;
 - 3) a program to treat mental health disorders in accordance with the Responsibility and Services Plan;
 - 4) participation for at least 20 hours per week in VISTA, Job Corp, some paid JTPA programs, or work study for cash or financial credit for education expenses;
 - 5) self-employment and micro enterprise activities in accordance with the Responsibility and Services Plan; and
 - 6) foster parenting consistent with the Responsibility and Services Plan. If State-resources-are-insufficient-to-provide-component and-supportive-service-costs-for-§8BS-participants, child-care, if-needed, will-be-provided-when-the-education-or-training activity-for-non-§8BS-individuals-in-§8BS-areas-is-approved-based on-the-same-criteria-except-the-criterion-that-require individuals-to-participate-an-average-of-20-hours-each-week-that is-used-for-§8BS-individuals-described-in-Section-112.70-(see Section-112.70). Non-§8BS-individuals-will-request-child-care using-the-Department-of-Children-and-Family-Services-request-for child-care-services-and-registration.
- d) §8BS-participation-may-be-mandated-to-the-extent-resources-allow-and to-the-extent-needed-to-meet-federal-program-requirements-and-maintain a-program-that-is-balanced-between-education-and-training-services-and placement-sources-for-job-ready-individuals.
- e) §8BS-resources-will-be-targeted-to-the-following-groups:
- 1) current-recipients-who-have-received-APBE-for-any--36-of-the preceding-60-months?
 - 2) custodial-parents-under-age-24-who-have-not-completed-high-school or--have-little-or-no-work-experience-within-the-preceding-year?
 - 3) members-of-families-in-which-the-youngest-child-is-within-two years-of-being-eligible-for-APBE-because-of-age.

f) A-custodial-parent-under-age-20-who-has-not-completed-a-high-school education-for-its-equivalent-is-not-exempt-from-participation-in educational-activities-directed-toward-obtaining-a-high-school-diploma (or-equivalent)-because-of-the-age-of-the-youngest-child-(see-Section

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112.71)-Full-time-participation-as-defined-by-the-educational provider-is-required-even-if-the-individual's-youngest-child-is-under age-six--This-requirement-is-conditioned-upon-provision-to-the-young parent-of-all-necessary-child-care-services.

g) A-custodial-parent-age-16-or-17-may-be-excused-from-educational activities-directed-toward-obtaining-a-high-school-diploma-(or equivalent)-if-the-parent-is-unable-to-participate-due-to-his-or-her own-mental-or-physical-illness-or-that-of-his-or-her-spouse-or-child, is-homesick-or-is-experiencing-family-or-personal-crisis.

h) A-custodial-parent-who-is-age-18-or-19-may-participate-in-training-or work-activities-instead-of-educational-activities-if-one-of-the following-conditions-is-met:

- 1) prior-to-any-assignment-of-the-parent-to-educational-activities it-is-determined-based-on-an-educational-assessment-and-the employment-goal-established-in-the-parents-employability-plan, that-participation-in-educational-activities-is-not-appropriate; or
 - 2) the-parent-fails-to-make-good-progress-in-successfully-completing educational-activities-and-it-is-determined-based-on-an individual-assessment-and-the-employment-plan-that-the educational-activity-is-not-appropriate.
- i) Individuals-age-20-or-over-who-have-not-completed-a-high-school education-(or-equivalent)-must-participate-in-educational-activities consistent-with-the-employment-goal-established-in-the-employability plan-unless:
- 1) the-individual-reads-at-the-9-9-grade-level;
 - 2) the-long-term-employment-goal-identified-in-the-individual's employability-plan-does-not-require-a-high-school-diploma-(or equivalent)-or
 - 3) the-individual-reads-below-the-9-9-grade-level-and-it-is determined-based-on-the-individual's-assessment-that-the individual-does-not-possess-the-aptitude-to-progress-in-an educational-program-and-does-not-wish-to-participate-in-an educational-program.
- j) A-parent-or-other-relative-personally-caring-for-a-child-under-age-six will-not-be-required-to-participate-in-§8BS-for-more-than-20-hours-per week-except-as-specified-in-subsection-(f)-of-this-Section.
- k) Children-in-APBE-cases-who-are-ages-14-18-and-attend-school-may-be required-to-participate-in-the-Youth-Employment-and-Training initiative-under-the-Project-Chance-program.

(Source: Emergency amendment at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

Section 112.71 Individuals Exempt from TANF Employment and Work Activity Requirements §8BS

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- a) An individual shall be exempt from TANF Employment and Work Activity Requirements JBSB-participation when that individual:
- 1) Is a child who is not a parent, is a child-age-16-through-19-in full-time-elementary-secondary-grades-9-12-or-equivalent vocational/technical-school-attendance--this-exemption-does-not apply-to:
- A) children-who-return-to-school-after-becoming-nonexempt;
- B) children-who-are-required-to-participate-in-the-youth Employment-and-training-initiative-(see-09-III-Adm--Code-170-107)-and
- C) parents-under-age-19-except-those-in-a-control-group-during the-Work-and-Responsibility-Demonstration-in-the-Auburn-Park and-Williamson-local-offices;
- 2) Is the parent or other caretaker relative of a child under age one in the home who is personally providing care for the child. This includes family cap cases.
- A) Only one person in a case may be exempted for this reason.
- B) A parent under age 20, without a high school diploma or equivalent, cannot claim this exemption unless his or her youngest child is under 12 weeks of age.
- Has-a-temporary-or-chronic-illness-or-injuries-
- A) Temporary illness-and-injuries
- i) An-individual-is-temporarily-ill-when-determined-by the-local-officer-on-the-basis-of-medical-evidence-(for example-statement-from-a-medical-provider)-or-on another-sound-basis-that-the-illness-or-injury-is serious-enough-to-temporarily-prevent-the-individual from-engaging-in-employment-or-participating-in-JBSB-A-sound-basis-for-exemption-from-JBSB-on-a-temporary basis-includes-but-is-not-limited-to-the-observation of-a-cast-on-a-broken-leg-or-information-provided-by the-clientry-of-a-scheduled-surgery-or-recuperation-from surgery;
- ii) Minor-ailments-and-injuries-such-as-colds--broken fingers--or-rashes-are-not-serious-enough-normally-to exempt-the-individual-under-this-criterion
- B) An-individual-is-chronically-ill-or-incapacitated-as determined-by-the-local-officer-when-a-physician-or licensed/certified-psychologist-finds-that-a-physical-or mental-impairment-either-by-itself-or-in-conjunction-with age-or-other-factors-prevents-the-individual-from-engaging in-employment-or-participating-in-JBSB--this-may-include-a period-of-recuperation-after-childbirth-if-prescribed-by-a woman's-physician;
- C) When-an-individual-is-determined-either-temporarily-or chronically-ill-or-incapacitated--the-exemption-shall continue-until-further-action-is-taken-by-the-Department. When-the-exemption-is-initially-granted-the-Department-will

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- establish-a-date-as-to-when-the-condition-warranting-the exemption-is-expected-to-end-or-when-a-review-of-the-case will-be-re-evaluated-to-determine-whether-the-exempted individual-continues-to-be-exempt-under-the-same-procedures as-for-the-initial-determination-of-exemption-with appropriate-notice-to-the-individual-that-the-re-evaluation is-necessary;
- 3) Is 60 years of age or older.
- Is-under-age-16-or-is-age-60-years-or-older-unless-the-child-is required-to-participate-in-the-Youth-Employment-and-Training Initiative-or-is-a-pregnant-or-parenting-individual-under-age 16-who-is-required-to-participate-in-the-Adolescent-Parent Program-(see-Section-112-737)
- 4) Adults in families when only children are receiving TANF benefits.
- Resides-in-an-area-remote-from-the-JBSB-office-or-service-unit-so that-effective-participation-in-the-program-is-precluded--the individual-is-considered-remote-if-a-round-trip-of-more-than-two hours-by-reasonably-available-public-or-private-transportation exclusive-of-time-necessary-to-transport-children-to-and-from-a child-care-facility-would-be-required-for-a-normal-work-or training-day-or-if-an-individual-has-no-means-of-transportation available;
- 5) Provides full-time care for another household member when the need for care is due to the person's medical condition?
- 6) Is the parent or other caretaker relative of a child under age three in the home who is personally providing care for the child:
- A) Only one person in a case may be exempted for this reason;
- B) A parent under age 20 without a high school diploma or equivalent cannot claim this exemption;
- C) A person cannot be exempted due to providing care for a child under age three who according to the Family Accountability Project is included in the grant as a capped child-(that-is-subject-to-the-personal-Responsibility Project-as-described-in-Sections-112-351-through-112-254-and 09-III-Adm-Code-170-3507)
- 7) Is employed 30 hours or more per week--this exemption continues to apply if there is a temporary break in full-time employment expected to last no longer than ten work days;
- 8) Is in the 4th month of pregnancy or later;
- 9) Is a person enrolled full-time as a VISTA volunteer under title I of the 1973 Domestic Volunteer Services Act (42-USA-4951-et seq.);
- b) Individuals who request an exemption from participation in JBSB shall do so in writing with the assistance of the JBSB worker or other Department staff if needed and shall receive a written notice of decision on such request within 45 days--Requests for an exemption may be made at:

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1) application for assistance;

2) orientation;

3) assessment;

4) reassessment;

5) APPEL eligibility redeterminations;

6) client's request; or

7) whenever information received by the Department indicates the possibility of an exemption.

e) Exempt individuals may volunteer for JBSB. However, exempt volunteers who attend the orientation meeting and become program participants by completing the initial assessment, development of the employability plan, and assignment to a component will be sanctioned if they thereafter do not meet program requirements without good cause (see Section 112.79).

(Source: Emergency amendment at 21 Ill. Reg. 0292, effective July 1, 1997, for a maximum of 150 days)

Section 112.72 JBSB Participation/Cooperation Requirements

EMERGENCY

a) An individual is required to participate in a TANF employment or work activity JBSB by:

1) Cooperating with TANF requirements JBSB. Cooperation with TANF JBSB is defined as providing requested information about employment history and capabilities, appearing for scheduled meetings, participating in assessments assessment and literacy tests and complying with the requirements of the TANF JBSB component activities identified in Section Sections 112.78 and 112.79.

2) Responding, timely, to a job referral of suitable employment (that is, a written statement referring a participant to an employer for a specific position).

3) Accepting a bona fide offer of suitable employment. An individual must be given the opportunity to explain why a bona fide offer of employment was not accepted. A bona fide offer of suitable employment is where:

A) there was a definite offer of employment substantiated by written confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for such work in the community based on information obtained from the Department of Employment Security;

B) there are no questions as to the individual's inability to engage in such employment for physical reasons or because he has no way to get to or from the particular job; and

C) there are no questions of working conditions, such as risks to health, safety or lack of worker's compensation

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protection.

4) Department employment referrals are deemed suitable if they suitable employment must meet the following criteria:

A) Wages offered must be at least the greater of:

i) the federal minimum wage; or

ii) the State minimum wage.

B) Subminimum training wages offered must be at least the greater of:

i) the federal subminimum training wage; or

ii) the State subminimum training wage.

C) If the wages are offered on a piece-rate basis, wages for a beginner must equal the amount the participant can reasonably be expected to earn as outlined in Section 112.72(a)(4)(A).

D) The participant may not be required as a condition of employment to join, resign from or refrain from joining any legitimate labor organization.

E) There is no unreasonable degree of risk to the participant's health and safety.

F) The participant is physically and mentally competent to perform the work.

G) The employment must be within reasonable distance of the participant's residence. Commuting time must not represent more than 25% of the participant's total time on the job (that is, no more than two hours commuting time for an eight hour work day).

H) The employment would result in the participant's family not experiencing a net loss of cash income. Net loss of cash income results if the family's gross income less actual necessary work-related expenses is less than the cash assistance the individual was receiving at the time the offer of employment is made. Gross income includes but is not limited to earnings, unearned income, and cash assistance. Necessary and reasonable expenses include all mandatory deductions from gross income including union dues, medical insurance, and/or garnishments or court-ordered income withheld from earnings, child care costs at the participant's established rate if the individual would not be eligible for Transitional Child Care (see Sections 112.400 through 112.410), and transportation costs to get to and from employment including travel for child care at the participant's established rates.

5) Participants must register and appear for interviews at the Illinois Employment and Training Center (IETC) or Department of Employment Security's Job Service offices when required by a TANF JBSB component activity.

b) Additionally, participants who are part-time employed, as defined in Section 112.64(d)(1), must:

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support is received and the amount received, the proportion of App participants who leave welfare and the proportion who return to App having once left.
2) The evaluation will be a process study and will describe the implementation and operation of the App.
(Source: Emergency repeal at 21 Ill. Reg. 1, 1997, for a maximum of 150 days)

Section 112.74 Responsibility and Services Plan JOBS-Initial-Assessment Process/Development of an Employability Plan
EMERGENCY

- a) Family Initial Assessment to Develop an a Responsibility and Services Employability Plan
1) All individuals shall undergo a Family Assessment an initial assessment to develop a Responsibility and Services Plan an employability plan.
2) The Family Assessment initial assessment shall include collection of information on the individual's and family's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests, aptitudes and employment preferences, as well as factors affecting employability or ability to meet participation requirements (for example, eligibility for exemption, health, physical or mental limitations, child care, domestic violence, substance abuse, family circumstances and problems including the need of any child of the individual). In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. A determination of whether the individual qualifies for an exemption may take place at any time the client requests or JOBS staff perceive a reason for exemption during the individual's participation in the program. As part of the assessment process, individuals and TANF JOBS staff shall work together to identify any supportive service needs required to enable them to participate in TANF employment or work activities JOBS and meet the objectives of their Responsibility and Services Plan employability plan (see Section 112.82). The Family Assessment initial assessment may be conducted through various methods such as interviews, testing, counseling and self-assessment instruments. The assessment process shall include standard literacy testing and a determination of English language proficiency.
3) The Family Assessment and Responsibility and Services Plan employability plan must:
A) contain an employment goal of the participant and the steps to achieve it;
B) describe the services to be provided by the agency including

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- 1) continue their part-time employment as defined in Section 112.64(d)(1); and
2) not reduce their employment that voluntarily reduce their reducing work hours, unless such reduction is consistent with the next steps in the Responsibility and Services Plan.
c) Failure of a nonexempt individual who is mandated to participate/cooperate with the TANF employment and work activity JOBS requirements listed in this Section, without good cause, will result in sanction as outlined in Section 112.79. Exempt or nonexempt individuals who volunteer to participate in TANF and are assigned to an activity based on completion of a Family Assessment and a Responsibility and Services Plan JOBS and attend the orientation meeting and become a program participant by completing the initial Assessment, development of the employability plan and assignment to a component will be sanctioned if they thereafter do not meet the program requirements without good cause (see Section 112.79).
d) Failing to achieve certain grades or competency levels or goals in educational, training or work activity shall not constitute failure to participate in TANF JOBS but shall be addressed through a reassessment requested by the participant or Department JOBS.

(Source: Emergency amendment at 21 Ill. Reg. 1, 1997, for a maximum of 150 days)

Section 112.73 Adolescent Parent Program (Repealed)
EMERGENCY

- a) The Adolescent Parent Program (APP) is a demonstration project designed to evaluate whether mandating pregnant or parenting individuals under age 16 to participate in the Adolescent Parent Initiative/Young Parent Services under the Job Opportunities and Basic Skills Training (JOBS) Program (see Sections 112.70 through 112.80) will assist these individuals in obtaining a high school diploma or the equivalent and preparing for work.
b) The requirements for mandatory participation in the APP shall be the same as for parents age 16 and older who are mandated to participate in JOBS.
c) The APP will be implemented on August 17, 1995, and shall end no later than July 31, 1999.
d) The demonstration will study the effects of the program requirements on the long-term self-sufficiency of parents under age 16.
1) Research conducted on the APP will include the number of clients who are required to participate, the proportion who actually participate in JOBS by attending school or classes full time, the proportion who meet education requirements each semester, the use of supportive services including child care, the proportion who are sanctioned including the number of times sanctioned, the proportion with a child support court order including whether

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- child care and other supportive services;
- C) describe the activities such as activity component assignment that will be undertaken by the participant to achieve the employment goal; and
 - D) describe any other needs of the family that might be met by TANF §9BS such as participation by a child in drug education or in life skills planning sessions.
- 4) The Responsibility and Services Plan employability plan shall take into account:
- A) available program resources;
 - B) the participant's supportive service needs;
 - C) the participant's skills level and aptitudes;
 - D) local employment opportunities;
 - E) to the maximum extent possible, the preferences of the participant;
 - F) the employability plan shall not be considered a contract;
 - G) final approval of the plan rests with the DHS staff pursuant to TANF §9BS program requirements; and
 - H) the participant will sign and receive shall be offered a copy of the Responsibility and Services Plan employability plan.

b) Occurrence of the Family Assessment and Responsibility and Services Plan Initial Assessment

- 1) The Family Assessment initial assessment shall take place before a participant is assigned to any TANF activities §9BS component. All participants will be scheduled to begin the initial assessment within 14 working days after orientation.
- 2) The participant will be notified, in writing, of the Family Assessment initial assessment meeting. The notice shall include the following information:
 - A) the date and time of the interview;
 - B) a description of the purpose of the interview;
 - C) the consequences of failing to attend;
 - D) the right to reschedule for good cause;
 - E) the right to request child care and transportation to attend; and
 - F) the name of the person to contact for such purposes.
- c) During the Family Assessment initial assessment, the Responsibility and Services Plan employability plan will be completed to determine the individual's and family's level of preparation for employment and needed services will be determined. Upon initial screening, a determination for job ready will be based on an individual having a high school diploma/GED and having worked six months in the last two years. This determination needs to be considered in conjunction with other issues such as the individual's barriers, the local labor market, and the work place skill of the client. The decisions will be based on the individual's background, proficiencies, skills deficiencies, education, level, work history, employment goals

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interests, aptitudes and employment preferences, as well as factors affecting employability or ability to meet participation requirements (for example, health, physical or mental limitation, child care, family circumstances and problems which may include the need of any child of the individual). The preference of the individual will be taken into account in the development of the Responsibility and Services Plan employability plan to the maximum extent possible and appropriate. In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. As part of the assessment process, individuals and TANF §9BS staff may shall work together to identify any supportive service needs required to enable them to participate in TANF §9BS and meet the objectives of their Responsibility and Services Plan employment plan (see Section 112.82). The initial assessment may be conducted through various methods such as interviews, testing, counseling and self-assessment instruments. The assessment process shall include standard literacy testing and a determination of English language proficiency. Literacy level is defined as reading at a 9.0 9-9 grade level or above. Based on the Responsibility and Services Plan initial assessment, the individual will be assigned to the appropriate component activity. Individuals must participate an average of 20 hours each week to enable the State to obtain maximum federal match monies unless special circumstances prevent 20 hours of participation each week. Special circumstances are based on the participant's physical capacity, skill, experience, health and safety and family responsibilities. Components may be combined to increase the hours of participation to 20 hours each week as required for federal financial participation (FPP). The decision will be based on a determination of the individual's level of preparation for employment.

- d) Individuals in single-parent families must participate in FY 1997 and FY 1998 an average of 20 hours each week to enable the State to meet federal participation requirements. In FY 1999, they must participate an average of 25 hours each week. In FY 2000, they must participate 30 hours each week. Beginning in FY 1997 through FY 2000, individuals in two parent families must participate an average of 35 hours each week. Countable activities may be combined to meet the hours of participation each week as required for Federal Work Requirements (see Section 112.79). The decision will be based on a determination of the individual's level of preparation for employment and the Responsibility and Services Plan.

e) d) Reassessment

- 1) A reassessment will be conducted to assess a participant's progress and to review the Responsibility and Services Plan employability plan at least at the following times:
 - A) upon completion of a program or component activity and before assignment to an a-component activity;
 - B) upon the request of the participant;
 - C) if the individual is not cooperating with the requirements

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Services).

i) Expenses for transportation and child care services will be provided to enable individuals to attend the assessment meeting, if requested.

j) For teen parents age 19 and under or in high school, the Teen Parent Responsibility Plan defines the responsibilities the young parent must meet to receive TANF cash assistance and what services the Department agrees to provide. The plan outlines family needs, the required activities and necessary supportive services. The plan must be signed by both the young parent and the case manager. The plan sets the following goals for the young parent and describes how the Department will help the young parent meet these goals:

- 1) to attend school to complete a high school education;
- 2) to establish paternity for the young parent's child or children and obtain child support;
- 3) to improve the young parent's parenting skills; and
- 4) to seek and obtain full-time employment when job ready.

(Source: Emergency amendment at 21 Ill. Reg. 342.0, effective July 1, 1997, for a maximum of 150 days)

Section 112.75 Teen Parent Personal Responsibility Plan (Repealed)
EMERGENCY

a) A young parent, who is required to participate in the Teen Parent Initiative/Young Parent Services (YPI/YPS) Program, must complete a Teen Parent Personal Responsibility Plan. The plan is completed as part of the JBS Program assessment process. For young parents who have already completed an initial assessment, the plan must be completed as part of a reassessment by November 15, 1996.

b) The Teen Parent Personal Responsibility Plan defines the responsibilities the young parent must meet to receive APBG cash assistance and what services the Department agrees to provide. The plan outlines family needs, the required YPI/YPS activities and necessary supportive services. The plan must be signed by both the young parent and the YPI/YPS case manager. The plan sets the following goals for the young parent and describes how the Department will help the young parent meet these goals:

- 1) attend school to complete a high school education;
- 2) establish paternity for the young parent's child or children and obtain child support;
- 3) improve the young parent's parenting skills; and
- 4) seek and obtain full-time employment.

c) Completion of the Teen Parent Personal Responsibility Plan is a JBS program requirement for YPI/YPS participants. Failure to cooperate in completing the plan shall result in a JBS Program sanction as described in Section 112.79, if conciliation is not successful.

(Source: Emergency repeal at 21 Ill. Reg. 342.0, effective July 1,

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of the program;

D) if the individual has failed to make satisfactory progress in an education or training program;

E) upon completion of an academic term;

F) upon referral from DBS, IFPC, or other entities; and

G) every six 12 consecutive months for individuals participating in a nonemployed Parent Work Experience component work assignment;

H) every six months at a minimum; or

I) at any time deemed appropriate under the Plan.

2) The reassessment may be conducted through various methods such as interviews, testing, counseling and self-assessment instruments. A written notice may be sent to the participant if the reassessment needs to be rescheduled.

3) The employability plan must:

- A) contain an employment goal of the participant;
- B) describe the services to be provided by the agency, including child care and other supportive service;
- C) describe the activities such as component assignment that will be undertaken by the participant to achieve the employment goal; and
- D) describe any other needs of the family that might be met by JBS, such as participation by a child in drug education or in life skills planning sessions.

4) The employability plan shall take into account:

- A) available program resources;
- B) the participant's supportive service needs;
- C) the participant's skills level and aptitudes;
- D) local employment opportunities;
- E) to the maximum extent possible, the preferences of the participant.

5) A reassessment will include an evaluation of the participant's progress towards the employment goal. If progress is lacking, the participant may be reassigned to a more appropriate activity component and relevant facts shall be reviewed to determine if the client is exempt from program participation requirements.

f) If a nonexempt individual who is required to participate in the program fails without good cause to appear for the scheduled assessment interviews or comply with the assessment process without good cause, the individual is subject to sanction rules.

g) If the nonexempt participant has good cause for failing to appear for the assessment interview or to comply with the assessment process, a sanction will not apply.

h) TANF employment and work activity JBS participation shall not be required in the event that supportive services are needed for effective participation but are unavailable from the Department or from some reasonably available source (for example, child care for a child under age six provided by the Department of Children and Family

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1997, for a maximum of 150 days)

Section 112.76 TANF JOBS Orientation
EMERGENCY

a) At the time of application or and at the time of the first face-to-face contact redetermination (after April 17, 1998), all TANF APBE applicants and recipients will be informed in writing and orally, if appropriate, of the availability of the TANF employment and work activities JOBS-program and of the supportive services for which they might be eligible and of the agency and participant responsibilities. This includes the following:

- 1) education, employment and training opportunities available;
 - 2) supportive services including child care, transportation, Work Pays;
 - 3) the obligation of the agency to provide supportive services;
 - 4) the rights and responsibilities of participants under the Plan, and the 24-month work requirement and time limits; and
 - 5) the types and locations of child care services including the Local Child Care Resource and Referral (CCR&R);
 - 6) the consequences of failing to complete participation requirements under the Plan and the 24-month work requirement;
 - 7) if nonexempt, the fact that the individual is nonexempt and is required to participate consistent with his or her responsibility and Services Plan;
 - 8) the right to appeal any action, request a change in the Plan or to reschedule an appointment;
 - 9) the Family Assessment and Responsibility and Services Plan; and
 - 10) general participation requirements (for example, appearing for scheduled meetings, responding to a job referral, accepting a bona fide offer of suitable employment (see Section 112.72)).
- b) Within one month after the determination of eligibility for APBE or at other appropriate times, the JOBS-program will notify the individual in writing via a letter regarding how he or she can enter the program. The client may then volunteer for the JOBS-program but will in no event be sanctioned for failure to volunteer.
- c) Exempt and nonexempt volunteers will be sent an orientation appointment letter concerning JOBS. The letter shall include the following:
- 1) the date and time of the meeting;
 - 2) a description of the program and the purpose of the meeting;
 - 3) information on how to reschedule the meeting if necessary;
 - 4) the right to request child care or transportation services to attend; and
 - 5) the name of the person to contact for such purposes.
- d) Nonexempt individuals may be required to enter the JOBS-program and attend the orientation. JOBS will send these nonexempt individuals an appointment letter requiring that they attend a JOBS Orientation

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meeting. The letter shall include the following information:

- 1) the fact that they are nonexempt and are required to participate;
 - 2) the right to request an exemption;
 - 3) a complete description of all available exemptions;
 - 4) the date and time of the meeting;
 - 5) a description of the program and the purpose of the meeting;
 - 6) the consequences of failing to attend;
 - 7) the right to reschedule the appointment with good cause;
 - 8) the right to request child care or transportation services to attend; and
 - 9) the name of the person to contact for such purposes.
- e) At the orientation meeting JOBS staff inform the participant of JOBS participation requirements, distribute a copy of the JOBS handbook to participants, and explain its contents. The JOBS handbook contains program information including the following:
- 1) an overview of JOBS;
 - 2) the exemption criteria listed in Section 112.71 and the procedure for obtaining an exemption;
 - 3) a description of all JOBS components, eligibility criteria, and specific participation requirements for each component;
 - 4) general participation requirements, for example, appearing for scheduled meetings with JOBS staff, responding to a job referral, accepting a bona fide offer of suitable employment (see Section 112.72);
 - 5) the support services identified in Section 112.02;
 - 6) the initial assessment process and reassessment including review of the employability plan (see Section 112.74); and
 - 7) the result of the participant's failure to cooperate without good cause with JOBS.
- f) Participants must attend all orientation meetings or notify their JOBS worker of good cause to be excused and have their meeting rescheduled (see Section 112.007).
- 1) If a nonexempt participant is required to participate due to insufficient number of volunteers and fails to attend an orientation meeting without good cause (see Section 112.007) sanctions shall apply. Exempt and nonexempt volunteers will not be sanctioned for failure to attend orientation.
 - 2) If the nonexempt participant who was required to participate due to insufficient number of volunteers fails to attend an orientation meeting but has good cause (see Section 112.007) sanctions shall not apply.
 - 3) Expenses for transportation and child care services will be provided to enable participants to attend the orientation meeting if requested.

(Source: Emergency amendment at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

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Section 112.77 Reconciliation Conciliation and Fair Hearings
EMERGENCY

a) The Department shall establish a reconciliation conciliation procedure to assist in resolving disputes related to any aspect of participation, including exemptions, good cause, sanctions or proposed sanctions, supportive services, orientation, assessments, responsibility and services plan employability plans, assignment to activities components, suitability of employment, or refusals of offers of employment. Through the reconciliation process, the Department will have a mechanism to identify good cause, ensure that the client is aware of the issue, and enable the client to perform required activities without facing sanction.

b) A TANF participant of JOBS may request reconciliation conciliation and receive notice, in writing, of a meeting. Reconciliation conciliation must begin within 14 work days upon request or from the participant's failure to meet TANF employment and work activity JOBS requirements. At least one face-to-face meeting may be scheduled with TANF staff JOBS and the participant to resolve misunderstandings or disagreements related to program participation and situations which may lead to a potential sanction. The meeting will include the participant, the TANF JOBS worker and a representative, if desired. The meeting will address the underlying reason or reasons for the dispute and plan a resolution to enable the individual to participate in TANF employment and work activity requirements JOBS. Reconciliation conciliation may be completed by telephone if both parties agree. If the telephone conciliation is unsuccessful, a face-to-face meeting shall be scheduled to conciliate.

c) If the conciliation is scheduled due to the individual's failure to respond to the orientation appointment without good cause, the orientation and employability assessment will be completed at the conciliation. If the individual fails to appear at the conciliation meeting, the conciliation is unsuccessful and a sanction will be imposed. d) The reconciliation conciliation process shall continue after it is determined that the individual did not have good cause for non-cooperation. Any necessary demonstration of cooperation on the part of the participant will be part of the reconciliation conciliation process. Failure to demonstrate cooperation will result in immediate sanction.

d) e) During the reconciliation conciliation process, the following is completed:

- 1) a discussion of the nature of the problem or dispute and potential resolution;
- 2) an explanation of the individual's rights and responsibilities;
- 3) a review of the Responsibility and Services Plan employability plan;
- 4) a discussion of expectations of the participant and TANF JOBS;
- 5) development of a reconciliation conciliation agreement and

fulfillment of it following the reconciliation conciliation meeting. The requirement(s) of the agreement cannot be contrary to TANF employment and work activity requirements JOBS participation requirements; and

6) for the first instance of non-cooperation, if the client reaches agreement to cooperate, the client is allowed 30 days to demonstrate cooperation before any sanction activity would be imposed. For any subsequent instances of non-cooperation, the client would be provided with the opportunity to show good cause or remedy the situation by immediately complying with the requirement or a sanction will be imposed an orientation and employability assessment shall be completed if the individual failed to respond to an orientation appointment.

e) f) TANF staff JOBS will document, in the case record, the proceedings of the reconciliation conciliation and provide the client, in writing, with a reconciliation conciliation agreement.

f) g) If reconciliation conciliation resolves the dispute, no sanction will occur and any previous failure to participate in JOBS without good cause will not count as a sanctionable event in the future. If the client fails to comply with the reconciliation agreement, the Department will then immediately impose the original sanction. If the dispute cannot be resolved during reconciliation conciliation, a sanction will not occur until the reconciliation conciliation process is complete. The participant has the right to request an appeal hearing through the Department's fair hearing process.

(Source: Emergency amendment at 21 Ill. Reg. 212.3, effective July 1, 1997, for a maximum of 150 days)

Section 112.78 TANF Employment and Work Activities JOBS Components
EMERGENCY

a) Education (Below Post-Secondary)
Participants who are not working are limited to Adult Basic Education/GED/ESL and short-term Vocational Training programs lasting less than two years and may be required, in coordination with the education schedule, to participate in job readiness activities, job search, and/or work experience at the same time they are attending the education/training program to the extent resources will allow. Co-enrollment of Adult Basic Education/GED/ESL and Vocational Training is encouraged determined ready to participate but in need of education are referred to the education component. In this activity component, the individual receives information, referral, counseling services and supportive services to increase the individual's employment potential. Participants may be referred to testing, counseling and educational resources. Educational activities will include basic and remedial education; English proficiency classes; high school or its equivalency (for example, GED) or alternative education at the secondary level;

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and with any educational program, structured study time to enhance successful participation.

1) Assignment to Education (Below Post-Secondary)

A) Individuals to be assigned to Education may include but are not limited to individuals the following:

- i) ~~custodial--parents--under--age--20~~ who do not have a high school degree or equivalent;
- ii) ~~who have individuals--with~~ limited English proficiency; and
- iii) ~~individuals--age--20--and--over~~ who do not read at or above a 9.0 9-9 grade level; and
- iv) ~~individuals--age--20--and--over~~ who do not have a high school degree or its equivalent--and--wish--to--obtain one;

B) ~~Parents--ages--16--and--17--may--be--excused--from--educational activities--if--the--parent--is--unable--to--participate--in educational activities--due--to--his--or--her--own--mental--or physical--fitness--or--that--of--his--or--her--spouse--or--child--is homeless--or--is--experiencing--family--or--personal--crisis. This--shall--include--but--not--be--limited--to--domestic--violence and--a--child's--suspension--from--school;~~

E) ~~Parents--age--18--and--19--may--be--assigned--to--training--or--work activities--instead--of--educational--activities--if:~~

- i) ~~the--parent--fails--to--make--good--progress--in--successfully completing--education--activities;~~
- ii) ~~prior--to--assignment--the--parent--had--made--arrangements to--participate--in--a--training--program--that--is--approved by--the--JGBS--program--or~~
- iii) ~~it--is--determined--based--on--the--assessment--and--the employment--goal--of--the--individual--that--educational activities--are--not--appropriate.~~

B) Educational activities may be combined with other component activities if it is determined appropriate.

2) Approval criteria for education (Below Post-Secondary)

A) The individual's program selected by the individual must be accredited under State law.

B) The individual's program must be needed for the participant to complete his or her Responsibility and Services Plan employability plan.

C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate.

D) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

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3) Participation Requirements

A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

B) The individual must maintain participation of at least 75% of scheduled activities unless there is good cause for missing more.

C) Clients attending a program administered by the Illinois State Board of Education (ISBE) must maintain satisfactory progress as determined by the following:

- i) active participation and pursuit of educational objectives;
- ii) teacher's written remarks;
- iii) grades;
- iv) demonstrated competencies;
- v) classroom exercises; and
- vi) periodic test/retest results.

D) ISBE educational providers determine satisfactory progress based on a combination of the indicators listed above and test/retest results. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.

E) Clients attending a program not administered by ISBE must maintain satisfactory progress as determined by the written policy of the institution. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.

F) ~~The individual must participate an average of 20 hours--each week--unless--special--circumstances--prevent--20--hours--of participation--each--week.~~

G) Curriculum changes must be made with the prior approval of TANF staff JGBS and will be approved when the change is consistent with the Responsibility and Services Plan employability plan.

H) Except for individuals attending high school, participation in Education (Below Post-Secondary) is limited to 24 months except that the individual may continue in the education program if he or she also works for at least 20 eight hours each week or participates in a work component (for example, Work-Experience--On-the-Job-Training--or--Exchange--Program) for--at--least--eight--hours--each--week. Months in which the individual establishes good cause (see Section 112.80) for not participating in the program will not count toward the 24-month limit.

b) Vocational Job-Skills Training (Vocational)

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~~an increase in the level of the individual's earnings upon completion. Otherwise, no additional training will be approved unless, due to a change in the economy or occupation, there are not jobs available in the individual's chosen occupation. If the individual possesses a baccalaureate degree, no additional education or training will be approved.~~

G) The individual must be in a program needed for the individual to obtain employment in a recognized occupation. Jobs must be available in the chosen field in a specific geographical area where the individual intends to work consistent with the individual's Responsibility and Services Plan ~~employability~~ plan upon completion.

I) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

J) Vocational Training ~~job skills~~ training may be combined with other component activities if it is determined appropriate.

K) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.

2) ~~3~~ Participation Requirements

A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

B) ~~The individual must maintain participation of at least 75% unless there is good cause for missing more~~

E) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.

C) ~~B~~ The individual must participate the assigned number of an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.

D) ~~B~~ The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours

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Vocational ~~Job-Skills~~ Training is designed to increase the individual's ability to obtain and maintain employment. Vocational ~~Job-Skills~~ Training activities will include vocational skill classes designed to increase a participant's ability to obtain and maintain employment. Vocational ~~Job-Skills~~ Training may include certificate programs. Participants who are not working are limited to short-term Vocational Training programs lasting less than two years and may be required, in coordination with the education/training schedule, to participate in job readiness activities, job search, and/or work experience at the same time they are attending the education/training program to the extent resources will allow. A Vocational Training program lasting two years or more is regarded as post-secondary education under this subsection (b).

1) Self-initiated activity ~~qualifies as "self-initiated education or training" for this component if:~~

A) ~~the participant is attending at least half-time as defined by the institution;~~

B) ~~the participant is making satisfactory progress in such institution, school or course;~~

E) ~~the course of study is consistent with the individual's employment goal; and~~

B) ~~the participant meets the assignment and approval criteria under the provisions of Section 12-78(b)(2)(A) through (D);~~

2) Approval Criteria For Vocational ~~Job-Skills~~ Training (Vocational)

A) The individual's program must be accredited under requirements of State law.

B) The individual must be underemployed or unemployed and in need of additional training and the training will better prepare the participant to enter the labor force.

C) Co-enrollment of Adult Basic Education/GED/ESL and Vocational Training is encouraged if the individual does not have a high school diploma or GED ~~the individual must have a high school diploma or GED if required for training requirements and/or employment in the chosen field.~~

D) The individual must apply for all available educational benefits such as the Pell Grant and scholarships from the Illinois Student Assistance Commission as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.

E) The individual must be enrolled full-time as defined by the institution or part-time if full-time is not available or appropriate.

F) Clients who are working at least 20 hours per week may be approved for education programs, including degree programs, to upgrade their skills consistent with their Personal Responsibility and Services Plan, to the extent resources allow ~~When the individual possesses an associate degree license or certificate, the program selected must result in~~

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during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term, but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.

ELP Curriculum changes must be made with the prior approval of TANF jobs and will be approved when the change is consistent with the Responsibility and Services Plan employability plan.

c) Job Readiness

1) The job readiness activities are component-is designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. These activities help this-component helps individuals gain the necessary job finding skills to help them find and retain employment that will lead to economic independence.

2) Assignment to Job Readiness

Job readiness activities may be combined with other component activities if it is determined appropriate.

3) Participation requirements

A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

B) The individual must attend all scheduled classes or sessions. The individual must be making satisfactory progress as defined by the written policy of the job readiness provider and approved by the Department. If there is a job search activity component in the program, the individual must make up to ten acceptable employer contacts in a 30 day period unless the participant shows good faith effort (see subsection (d)(3)(B) of this Section for the definition of "good faith effort").

C) The individual must participate the number of assigned an average-of-20 hours each week unless--special--circumstances prevent-20-hours-of-participation-each-week.

D) The individual must respond to a job referral, accept employment and respond to mail-in contact.

B) The-individual-must-maintain-participation-of-at-least-75% unless-there-is-good-cause-for-missing-more

d) Job Search

1) Description of Job Search

Job Search may be conducted individually or in groups. Job Search may include includes the provision of counseling, job seeking skills, training and information dissemination. Group job search may include training in a group session.

2) Assignment to Job Search

A) If assessed as job ready, participants will be assigned to

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Job Search. If job ready clients are unable to find employment on their own at the end of six months, they will be reassessed and may be placed in a more appropriate activity Participation-in-the-Job-Search-component-can-not be-in-excess-of-eight-weeks--for-its--equivalent--in-any period-of-12-consecutive-months.

B) Job--ready--individuals--may--be--assigned--to--Job--Search-- Individuals completing education or vocational training or job--skills--training or job readiness training may be assigned to Job Search.

C) Job Search may be combined with other component activities if it is determined appropriate.

3) Participation Requirements

A) Participants must attend all scheduled classes or sessions. Participants will be notified in writing of all meetings.

B) Individuals must contact employers in an effort to secure employment. Participants must make up to 20 acceptable employer contacts in a 30-day period unless the participant shows good faith effort. Good faith effort exists when circumstances beyond the control of the participant prevent the individual from making the required number of contacts. Good faith effort may include, but is not limited to the following:

- i) the participant appears for a scheduled interview and the employer misses the appointment;
- ii) the participant makes less than the required number of acceptable employer contacts but came reasonably close to the required numbers in an effort to find work;
- iii) the participant fails a civil service or other employment screening test;
- iv) the participant completes an application which is not accepted by the employer;
- v) the participant's job search performance indicates that he or she should be in a different TANF jobs component activity; and
- vi) the participant has less than the required number of employer contacts based on the lack of available jobs in the geographical area.

E) The-individual-must-participate-an-average-of-20-hours--each week--unless--special--circumstances--prevent--20-hours--of participation--each-week--

C)B) Acceptable employer contacts may include but are not limited to:

- i) a face-to-face contact with an employer or the employer's representative;
- ii) the completion and return of an application to an employer;
- iii) the completion of a civil service test required for

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- B) Entry into Community Work Experience Participants are determined to be appropriate eligible for the Community Work Experience component based on an assessment of their education, training and employment history. Procedures used in the assessment are a face-to-face meeting with the participant and a review of all available information on the participant (including, but not limited to, the individual's participant's case record and Responsibility and Services Plan).
- C) Community Work Experience Positions A participant shall be assigned to a Community Work Experience position to increase the individual's potential for attaining employment based-on-work-history--prior training--experience--skills-and-vocational-preference. The date the participant is scheduled to begin the work assignment marks the beginning of participation in Community Work Experience.
- D) Community Work Experience activities may be combined with other component activities if it is determined appropriate.
- E) Enrollment as a full-time VISTA volunteer or Job Corp under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.) is an allowable work activity. Paid work study and some paid JTPA programs are also allowable.
- 2) Participation Requirements A) The hours of the Work Experience assignment may not exceed 20 hours per week for participants in single parent TANF cases. Work-assignment-consists-of-no-more-than-six-months in-a-12-consecutive-calendar-month-period. The hours of the work assignment for a calendar month shall not exceed the family's TANF AFDC grant and food stamp allotment received in the fiscal month during which the assignment is made divided by the higher of the State or Federal minimum wage or the rate of pay for individuals employed in the same or similar occupations by the same employer at the same site (as determined by the Work Experience Sponsor and the Department). (A fiscal month is a month that starts with a given day in one calendar month and ends with the day before that same given day in the next calendar month.) The portion of a recipient's aid for which the State is reimbursed by a child support collection (except for the \$50 pass through) shall be excluded in determining the maximum number of hours that the participant is required to work. In order to provide consistency for both work assignment sponsors and participants, the required number of hours will be rounded down to 40 or 80 hours. The minimum number of hours that must be completed within a calendar month is 40 hours and the maximum number of hours that must be completed is 80 hours.

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- employment with state, local, or the federal government or the completion of a Department of Employment Security (DES) screening test;
- iv) the completion and mailing of a resume with a cover letter to a recognized employer;
- v) reporting to the union hall for union members verified to be in good standing; or
- vi) registration with DES/Illinois Employment and Training Center (IETC).
- B) The-individual-must-maintain-participation-of-at-least--75% unless-there-is-good-cause-for-missing-more- Community Work Experience
- e) TANF participants Participants who have not found employment and who need orientation to work, work experience or training, are placed on a supervised work assignment to improve their employment skills through actual Work Experience at private or not-for-profit employers, organizations and governmental agencies. Participants are referred to work assignments as vacancies are available. Private or not-for-profit employers, organizations and governmental agencies shall not use Work Experience participants to displace regular employees (see subsection (e)(5) of this Section) in-order-to-prevent deterioration-of-or-to-enhance-existing-skills-are-referred-to-the Community-Work-Experience-component---Community-Work-Experience assignments--are-with-private-employers-or-not-for-profit-or-public agencies-statewide---private-employers-and-not-for-profit-and-public agencies--shall-not-use-Community-Work-Experience-participants-to displace-regular-employees-(see-subsection-(e)(4)-of-this-Section). Participants in Community Work Experience may perform work in the public interest (which otherwise meets the requirements of this Section) such as enrollment as a full-time VISTA volunteer or Job Corp under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.) for a Federal office or agency with its consent, and, notwithstanding (31 U.S.C 1342) or any other provision of law, such agency may accept such services but such participants shall not be considered to be Federal employees for any purpose.
- 1) Assignment to Community Work Experience A) The Community Work Experience component is for participants determined:
- i) Participants who will benefit from working for an employer who provides a subsidized employment assignment to improve the individual's opportunity to attain self-sufficiency to-have-no-teenant-work-history or-employer-references-taking-into-consideration--such factors--as--the-educational--background-and-previous training; or
- ii) participants who to need experience to prevent deterioration of, or to enhance, existing skills (for example, typing).

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- B) During work assignment, the participant shall be required to perform job search activities make-up-to-ten-employer contacts-per-month-if-participating-in-a-40-hour-work assignment-or-five-employer-contacts-per-month-if participating-in-an-80-hour-work-assignment unless the participant shows good faith effort (see subsection (d)(3)(B) of this Section for the definition of "good faith effort") or participates in education and training programs. Participants are required to accept bona fide offers of employment pursuant to Section 112.72.
- C) Participants are also required to report as scheduled and on time to their work assignment Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment Sponsor.
- D) The individual must participate the number of assigned hours an-average-of-20-hours--each--week--unless--special circumstances--prevent--20-hours-of-participation each week. The client must maintain satisfactory participation of--at least--75% of all scheduled hours--each month--Participation may include--but-is-not-limited-to--activities--such-as--the work-assignment--the-completion-of-employer-contacts-and attendance-in-education/training-programs
- 3) Reassessment
- Every six months At--the-end--of--the--work--assignment, the participant's Responsibility and Services Plan employability will be reassessed evaluated--using--the--procedures--and--criteria described--in--Section-112-74. If continuing the work assignment will benefit the participant in terms of furthering work skills (see subsection (e)(1)(A) and (B)), the participant shall be reassigned to the same or another work assignment. In addition otherwise, the individual participant will be assessed for assignment to another TANF activity 60BS-component.
- 4) Length of Assignment
- The individual must participate in Work Experience for as long as his or her Responsibility and Services Plan reflects the need for this activity An individual cannot be assigned to Community-Work Experience-for-more-than-a-total-of--six-months--in--any--12 consecutive-calendar-month-period.
- 5) Displacement
- A) The Work Experience Sponsor shall not use participants to:
- displace positions or persons who are already employed as regular full-time or part-time employees of the Sponsor regardless of whether those employees are on active status or are on leave status due to disability, personal reasons or any other reason. This includes partial displacement such as reduction in hours of non-overtime work, wages or employment

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- benefits;
 - displace persons who are or have been involved in a labor dispute between a labor organization and the Sponsor;
 - impair existing contracts for services or collective bargaining agreements;
 - infringe in any way upon promotional opportunities of any currently employed individual;
 - fill any established, funded, unfilled position vacancy; or
 - displace persons who have been laid off or terminated by the Sponsor or if the Sponsor has otherwise reduced its workforce.
- B) Participants, other employees at the work site or their representatives may file a grievance with the Department if they believe the participant's work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:
- the name and address of the participant or other employee at the work site (the grievant);
 - the participant's public aid case number;
 - the grievant's social security number;
 - Work Experience (work site); and
 - a statement as to why the grievant believes the participant is causing displacement.
- C) Within ten days after receipt of a written grievance, the Department shall arrange an in-person conference with:
- the grievant;
 - the grievant's representative, if any;
 - the Work Experience Sponsor;
 - the Work Experience Sponsor's representative, if any; and
 - the Department's representative.
- D) At the in-person conference, the Department shall solicit and receive from the grievant and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information requested by the grievant and/or the Department.
- E) Within 15 days after the in-person conference, the Department shall advise the grievant and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.
- F) If the Department concludes that displacement occurred (as described in subsection (e)(5)(A) of this Section), the Department shall terminate the participant's assignment to

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the employer who hires the recipient. The goal of the Work Supplementation Program is to obtain jobs for TANF recipients, who might not be hired without a subsidy, with sufficient pay to take them off TANF.

2) Eligible Participants

- A) TANF participants who meet the selection criteria listed in subsection (g)(2)(B) of this Section are eligible to participate in the Work Supplementation Program. Participation in the program is voluntary. A TANF recipient who wants to participate in the Work Supplementation Program must agree to all provisions in this Section during the time of participation in the program.
- B) In order to place special emphasis on people who would not be likely to obtain a job without work supplementation, TANF recipients must meet the following criteria for selection to participate in the Work Supplementation Program:
 - i) the recipient must be the parent of at least one of the children in the TANF unit;
 - ii) the recipient must have completed the Job Search work activity; and
 - iii) the recipient must have no income other than TANF benefits.
- C) Recipients identified for employment must be determined eligible for participation by their worker. The worker will recommend for participation in the Work Supplementation Program those participants who are likely to encounter difficulty in obtaining employment (for example, lack of skills for which jobs are available in the area, lack of work history).
- D) Nothing in this Section should be construed as providing any recipient the right to participate in the program.
- 3) Benefits and Reporting Requirements While Participating in the Work Supplementation Program
 - A) Participants in the Work Supplementation Program are considered to be TANF recipients and remain eligible for Medical Assistance for the duration of their Work Supplementation Program participation. Child care, for cases that are eligible for a cash grant, will be regarded as employment child care (see Section 112.350).
 - B) The participant must agree to accept wages from employment, which will be at least an amount which would be earned by working full time (30 hours minimum) at the prevailing minimum wage, less applicable payroll taxes.
 - C) Participants are required to file quarterly reports as a requirement for continuing eligibility. Changes in income from sources other than the Work Supplementation Program job and/or circumstances must still be reported within five days after occurrence pursuant to 89 Ill. Adm. Code 102.50.

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that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of TANF #GBS participants in addition to the participant involved in the grievance, the Department shall terminate those TANF #GBS participants' assignment to that work assignment Sponsor.

- G) A decision of the Department relating to a displacement grievance may be appealed by an employee who is not a participant within 20 days after the receipt of the Department's written decision. The appellant shall send the appeal to the Office of Administrative Law Judges at the U.S. Department of Labor per 45 CFR 251.4.
- H) All participants and other employees at the work site are assured that no retaliation will be taken against them by the Department, its employees, or the Work Experience Sponsor shall not retaliate for filing a grievance or otherwise proceeding under this policy. Retaliation will result in the termination of the Work Sponsor contract.

f) On the Job Training (OJT)

In OJT, a participant is hired by a private or public employer and while engaged in productive work receives training that provides knowledge or skills essential to full and adequate performance of the job.

- 1) Assignment to OJT
 - A) Job ready individuals may be assigned to OJT.
 - B) OJT participants shall be compensated at the same rate and with the same benefits as other employees.
 - C) Wages to participants in OJT shall not be less than the higher of the State or federal minimum wage.
 - D) Wages to participants in OJT are considered earned income.
 - E) OJT may be combined with other component activities if it is determined appropriate.
- 2) Participation Requirements
 - A) The individual must participate the assigned number of hours each week an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.
 - B) The individual must maintain participation of at least 75% unless there is good cause for missing more.
 - 3) Supportive Services
 - A) Participants in OJT receive child care and Medicaid benefits through the TANF APBE program not #GBS.
- g) Work Supplementation Exchange Program (see Section 112.98)
 - 1) The Work Supplementation Program develops employment opportunities for TANF recipients by paying wage subsidies to employers who hire program participants. The program is funded by diverting the cash grant an individual would receive if not employed and using the diverted grant to pay a wage subsidy to

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D) Wages paid under a Work Supplementation Program shall be considered to be earned income for purposes of any provision of law (42 U.S.C 1614(e)(3)).

4) Duration of Program Participation

A) Participants may not exceed a total of six months in the Work Supplementation Program subsidized placements regardless of the number of times an individual becomes a TANF recipient. The period of a single assignment is dependent upon the terms of the Work Supplementation Program contract that has been developed with the employer. Recipients will be informed of the length of the Work Supplementation Program subsidy period prior to placement.

B) Participants who leave a supported work position without good cause (as defined in Section 112.80) are removed from the Work Supplementation Program and are subject to sanction.

5) Contracts with Employers

A) Employers that participate in the Work Supplementation Program must enter into a written contract with the Department prior to receiving referrals.

B) Employers must be in good standing (that is, in compliance with all applicable federal, State, county and local laws, regulations and ordinances) with the Illinois Department of Revenue, the Secretary of State and any and all regulatory agencies which have jurisdiction over their activities.

C) Employers must not use Work Supplementation to displace positions or persons who are already employed or who are or have been involved in a labor dispute.

D) Employers agree to screen clients and to hire on their own payroll after six months. Failure to do so will result in the employer being terminated from the program.

6) Calculation of the Diverted Grants

A) The level of grant to be diverted is determined on a prospective basis when a work assignment under the Work Supplementation Program is made. The effective date of the diverted grant is the first day of the first full month of Work Supplementation Program wages.

B) Work Supplementation Program participants are eligible only for the earned income budgeting disregards provided in Sections 112.14 and 112.143. The difference between the flat grant amount and revised amount is diverted to the wage pool.

C) The difference between the payment level and the grant the participant receives is diverted and used in whole or in part to pay a wage subsidy to the employer.

7) Program Completion

If the participant is no longer eligible for TANF benefits after the Work Supplementation Program period, a determination of

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continued medical eligibility shall be made in accordance with Sections 112.330 and 112.332.

h) Post-Secondary Education

Clients who are not working will not be approved for degree programs unless they can complete the program in one year or less. Clients who are working at least 20 hours per week may be approved for post-secondary education programs, including degree programs to upgrade their skills to the extent resources allow. Individuals may be referred to post-secondary education programs. Post-secondary education must be administered by an educational institution accredited under requirements of State law including, but not limited to, the Barber, Cosmetology and Esthetics Act of 1985 [225 ILCS 410], the Real Estate License Act of 1983 [225 ILCS 455], the Public Community College Act [110 ILCS 805], the University of Illinois Act [110 ILCS 305], the Regency Universities Act [110 ILCS 705] and the Southern Illinois University Name Change Act [110 ILCS 505].

Self-initiated activity qualifies as self-initiated education or training for this component if:

- A) the participant is attending at least half-time as defined by the institution;
- B) the participant is making satisfactory progress in such institution, school or course;
- C) the course of study is consistent with the individual's employment goal; and
- B) the participant meets the assignment and approval criteria under the provisions of Section 112.78(h)(2)(A) through (h)(7).

1)2) Approval Criteria For Post-Secondary Education

- A) The individual must have a high school diploma or a GED.
- B) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.
- C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate to upgrade skills for current employment.
- D) The individual must be in a program needed for the individual to obtain employment in a recognized occupation or upgrade skills for current employment.
- E) The individual does not already possess a baccalaureate degree or an associate degree if the Responsibility and Services Plan employability plan goal is an associate degree.
- F) If the participant possesses a baccalaureate degree, no additional education may be approved.
- G) The individual's program must be accredited under requirements of State law.
- H) If needed, the individual must apply for all available

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educational benefits such as the Pell Grant and scholarships from the Illinois Student Assistance Commission as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible. Jobs, consistent with the individual's Responsibility and Services Plan employability-plan, must be available in the chosen field in a specific geographical area where the individual intends to work upon program completion.

J) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

K) The program selected may be no more than a program that will result in the receipt of a baccalaureate degree consistent with the Responsibility and Services Plan employability plan.

L) The individual, unless enrolled in a full-time, short-term vocational training program of 12-months or less than two years, must also be employed in unsubsidized work for at least 20 eight hours each week or participating for at least 20 eight hours per week in one or more of the following paid or unpaid work activities:

i) work study;

ii) practicums, clinicals, or vocational internships such as student teaching, if required by the institution to complete the educational program;

iii) apprenticeships; or

iv) self-employment--if the--earned--income--is--reported monthly--and--the--gross--earned--income--is--at--least--\$13-44 per-week--i or

v) enrollment as a full-time Americorp VISTA volunteer or Job Corp under Title I of the 1973 Domestic Volunteer Services Act (41 USC 4951 et seq.).

M) Individuals who have been continuously enrolled in an approved post-secondary education program prior to July 1, 1997 must comply with the 20 hour per week work requirement by the end of the fall 1997 semester, or the activity will not be approved for the spring 1998 semester.

N) Individuals who lose employment, unless due to a temporary scheduled employer shutdown, can continue in post-secondary education and receive supportive services, if eligible, during the current semester for 30 calendar days while they seek employment. If the individual has not reentered employment of at least 20 hours per week by the end of the current semester within 30 calendar days, the individual will not continue in post-secondary education and receive

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supportive services, but will be reassigned to Job-Readiness or another appropriate activity component.

2)3) Participation Requirements

A) The individual must maintain participation of at least 75% unless there is good cause for missing more.

B) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual would be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, satisfactory progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.

C) The--individual--must--participate--an--average--of--20--hours--each week--unless--special--circumstances--prevent--20--hours--of participation--each--week; B) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.

D) E) Curriculum changes must be made with the approval of the TANF worker JDBS and will be approved when the change is consistent with the Responsibility and Services Plan employability-plan.

i) Job Development and Placement (JDP)

1) TANF JDBS staff shall develop through contacts with public and private employers unsubsidized job openings for participants. Job interviews will be secured for clients by the marketing of participants for specific job openings.

2) Assignment to JDP

Job ready individuals may be assigned to JDP.

j) Job Retention

Job the-job retention component is designed to assist participants in retaining employment. Job Retention initial-employment expenses are provided. The individual's supportive service needs are assessed and the individual receives counseling regarding job retention skills. Counseling or job coaching may continue up-to--three--months after employment begins as long as the individual continues to receive TANF. Unemployed Parents Work Experience

k) Unemployed Parents Work Experience

1) Parents in a two-parent TANF the-APBE-U case may be required to participate in Unemployed Parents Work Experience unless they are exempt under one of the exemption criteria (see Section 112.71).

2) Unemployed Parents Work Experience participants who are placed on

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a supervised work assignment improve their employment skills through actual work experience at private employers, not-for-profit organizations and governmental agencies. Participants are referred to work assignments as vacancies are available. Private employers, not-for-profit organizations and governmental agencies shall not use Unemployed Parents Work Experience participants to displace regular employees (see subsection (k)(7) of this Section).

- 3) At least one parent in a two-parent TANF case is required to participate in a Work Experience assignment for at least 30 hours per week unless exempt or one parent is employed. The participant in a two-parent TANF case must participate in Work Experience for as long as he or she remains eligible for cash assistance or until determined exempt from TANF. At the end of every six months, Work Experience participants will be reassessed to determine the appropriateness of the work assignment, if the participant is gaining work skills and if there is opportunity for employment. The individual must participate in Unemployed Parents Work Experience for as long as he or she remains eligible for financial assistance or until determined exempt from TANF. Work assignments are for 20 hours each week or 40 hours each week for two weeks followed by two weeks off. Attendance in the work assignment is monitored monthly. A reassessment must be conducted with the participant at least every 12 consecutive months.

4) Assignment to Work Experience

- A) The Unemployed Parents Work Experience participant who possesses a high school diploma or equivalent will be assigned to a work assignment. The participant who does not possess a high school diploma or equivalent and who is:
 - i) are 20 and over must participate an average of at least 30 hours each week in the Unemployed Parents Work Experience work assignment. In addition, the Client may participate in educational activities below the post-secondary level; or age 25 and over may participate in educational activities below the post-secondary level in addition to his or her Unemployed Parents Work Experience work assignment.
 - ii) Age 20 through 24 may choose to participate in educational activities below the post-secondary level in addition to or instead of the Unemployed Parents Work Experience work assignment. The individual must participate an average of 20 hours each week in the Education (below post-secondary) component if he or she chooses this component instead of the Unemployed Parents Work Experience work assignment unless a 20 hour weekly educational program is not available in the area where the program is located. The individual

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must then attend the program for the scheduled hours the program is offered. If the individual fails to make satisfactory academic progress in the Education (below post-secondary) component, the individual will be assigned to an Unemployed Parents Work Experience work assignment, or if under age 20 must participate an average of 20 hours each week in educational activities below the post-secondary level or be assigned to Work Experience for 20 hours weekly as appropriate unless a 20-hour weekly educational program is not available in the area where the program is located. If assigned to education, the individual must then attend the program for the scheduled hours the program is offered. The individual must meet the participation requirements of the Education (below post-secondary) component (see Section 112.78(a)). If the individual fails to make satisfactory academic progress, the individual will be assigned to the Unemployed Parents Work Experience work assignment.

- B) Entry into Unemployed Parents Work Experience Parents in a two-parent TANF the AFBE-B case may be required to participate in Unemployed Parents Work Experience unless they are exempt under one of the exemption criteria (see Section 112.71).

C) Unemployed Parents Work Experience Positions

A participant shall be assigned to an Unemployed Parents Work Experience position based on work history, prior training, experience, skills and vocational preference. The date the participant is scheduled to begin the work assignment marks the beginning of participation in Unemployed Parents Work Experience.

- D) Unemployed Parents Work Experience activities may be combined with other component activities if it is determined appropriate.

- E) Enrollment as a full-time Americorp VISTA volunteer or Job Corp under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.) is an allowable work activity. Paid work study and some paid JTPA programs are also allowable.

5) Participation Requirements

- A) Participants in two-parent TANF cases must make a good faith effort to complete up to one employer contact per week equivalent to five hours of job search activity in each 30-day period during the work assignment period; the client must make a good faith effort to complete five employer contacts in each 30-day period.
- B) Failure to make the required number of employer contacts

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each 30 day period without good cause may result in sanction. A client will not be sanctioned if he or she makes a good faith effort to complete and provide verification of the required number of employer contacts (see Section 112.78(d)(3)(B)).

- C) Participants are also required to report as scheduled and on time to their work assignment Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment Sponsor. The individual must participate the number of assigned hours each week. the client must maintain satisfactory participation of at least 75% of all scheduled hours each month. Participation may include the work assignment, attendance in Education (below post-secondary) and/or completion of employer contact activities. B) At least one parent in a two-parent TANF case is required to participate in a work experience assignment for at least 30 hours per week unless exempt or one parent is employed. The participant in a two-parent TANF case must participate in Work Experience for as long as he or she remains eligible for cash assistance or is determined exempt from TANF. the client attending a work assignment must participate 20 hours each week or 40 hours each week for two weeks followed by two weeks off.

6) Reassessment

At the end of every six months, Work Experience participants will be reassessed to determine the appropriateness of the work assignment, if the participant is gaining work skills and if there is opportunity for employment. A reassessment must be conducted with the participant at least once every 12 consecutive months.

7) Displacement

- A) The Unemployed Parents Work Experience Sponsor shall not use participants to:
- displace positions or persons who are already employed as regular full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons or any other reason. This includes partial displacement such as reduction in hours of non-overtime work, wages or employment benefits;
 - displace persons who are or have been involved in a labor dispute between a labor organization and the Sponsor;
 - impair existing contracts for services or collective bargaining agreements;
 - infringe in any way upon promotional opportunities of

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- any currently employed individual; fill any established, funded, unfilled position vacancy; or
- displace persons who have been laid off or terminated by the Sponsor or if the Sponsor has otherwise reduced its workforce.

B) Participants, other employees at the work site or their representatives may file a grievance with the Department if they believe participants' work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:

- the name and address of the participant or other employee at the work site (the grievant);
- the participant's public aid case number;
- the grievant's social security number;
- Work Experience (work site); and
- a statement as to why the grievant believes the participant is causing displacement.

C) Not more than ten days after receipt of a written grievance, the Department shall arrange an in-person conference with:

- the grievant;
- the grievant's representative, if any;
- the Work Experience Sponsor;
- the Work Experience Sponsor's representative, if any; and
- the Department's representative.

D) At the in-person conference, the Department shall solicit and receive from the grievant and from the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information requested by the grievant and/or the Department.

E) Within 15 days after the in-person conference, the Department shall advise the grievant and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.

F) If the Department concludes that displacement occurred (as described in subsection (e)(5)(A)(i) of this Section), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of TANF #BBS participants in addition to the participant involved in the grievance, the Department shall terminate those TANF #BBS participants' assignment to that Work Experience Sponsor.

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- 6) A decision of the Department relating to a displacement grievance may be appealed by an employee who is not a participant within 20 days after the receipt of the Department's written decision. The appellant shall send the appeal to the Office of Administrative Law Judges at the U-S Department of Labor per 45 CFR 251.4.
- 7) The All participants and other employees at the work site are assured that no retaliation will be taken against them by the Department, its employees or the Work Experience Sponsor shall not retaliate for a participant's filing of a grievance or otherwise proceeding under this policy. Retaliation will result in the termination of the Unemployed Parent's Work Experience Sponsor Contract.

1) Self-Employment

Self-employment activities components will increase the individual's ability to start and maintain a business. Self-employment activities will include self-employment development training programs, technical assistance programs and a two year exemption of business assets and income for participants. In order to be approved in the self-employment component, the self-employment development plan must be approved.

1) Assignment to Self-Employment

Applicants must have a GED or high school diploma, some work experience and/or proven ability or have a plan that indicates success can be obtained without these requirements.

2) Participation Requirements

Participants must participate in the assigned number of hours attend at least 75% of classroom activities.

3) Self-Employment Asset and Income Exemptions

In order to qualify for a two year self-employment exemption of the business assets and income, the individuals must:

- A) complete a self-employment program or demonstrate equivalent knowledge and experience; and
- B) submit a business plan which includes the following items:
 - i) verification that the business can be started for under \$5,000;
 - ii) verification that the loan, if needed, has been secured or that an application for a loan is pending;
 - iii) a marketing plan which includes a complete product or service description, the market area, the target customers and promotional strategy, an analysis of the competition, distribution, pricing and selling methods; and
 - iv) a financial plan which includes the amount of loan the business will need and the repayment plan, the projected monthly cash flow over a two year period, the estimated cost of production and/or distribution and the estimated operating expenses.

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m) Unstructured Community Work Experience

Unstructured Community Work Experience provides TANF participants with activities that emphasize and build on the individual's job seeking confidence by positively reinforcing the achievement of each small step gained in their successful advances toward employment. Activities may include volunteer work as well as job search contacts. Activities are closely monitored for compliance and for tracking the length of time that participants are assigned to Unstructured Community Work Experience. At the reassessment the participant is assigned to the more structured work experience activity or work First when the participant becomes more job ready. Participants are required to complete the work activities booklet weekly to document their Job Search and Community Service activities. Activities must be for 20 hours per week or as assigned by their Responsibility and Services Plan.

n) Get A Job Initiative

1) The Department will operate Get A Job as a statewide demonstration for five years beginning November 1, 1995. Some areas will be designated as research sites, where cases will be randomly assigned to an experimental or control group. Clients in these areas not in the experimental group will not participate in Get A Job.

2) Selection of Participants

At the time TANF cash assistance is approved, adults who are not exempt from participation in the TANF Employment and Work Program and who meet the following criteria will be assigned to Get A Job. Nonexempt adults will be selected if:

- A) they are unemployed or employed and budgeted gross earnings are less than \$255 per month;
- B) their youngest child is age five through 12; and
- C) the adult:
 - i) has a high school diploma or GED;
 - ii) has been employed within the last three months; or
 - iii) is receiving Unemployment Insurance (UI) Benefits or has received UI within the last three months.

3) TANF Orientation and Family Assessment

A) At application, potential Get A Job participants will be identified during the intake process. The eligibility worker will inform the client about the TANF Employment and Work Program and explain Get A Job participation requirements and available supportive services. The worker will provide the client with information and forms needed to begin participation in Get A Job.

B) The determination that the client meets the selection criteria for Get A Job and the evaluation of the need for and arrangement of supportive services constitutes the initial TANF family assessment for Get A Job participants.

C) Participants will not be approved for education or training

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Adm. Code 112.71 do not apply to the TWI population):
A) The recipient is temporarily ill or chronically ill.
i) An individual is temporarily ill when determined by the local office, on the basis of medical evidence (for example, a statement from a medical provider) or on another sound basis, that the illness or injury is serious enough to temporarily prevent the individual from engaging in employment or participating in TANF. A sound basis for exemption from TANF on a temporary basis includes but is not limited to: the observation of a cast on a broken leg or the client provides information of a scheduled surgery or recuperation from surgery. Minor ailments and injuries, such as colds, broken fingers or rashes are not serious enough normally to exempt the individual under this criterion.
ii) An individual is chronically ill or incapacitated, as determined by the local office, when a physician or licensed or certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the individual from engaging in employment or participating in TANF. This includes a 60-day period of recuperation after childbirth.
iii) When an individual is determined either temporarily or chronically ill or incapacitated, the exclusion shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or upon case review, the exemption will be reevaluated to determine whether the exempted individual continues to be exempt under the same procedures as for the initial determination of exemption with appropriate notice to the individual that the reevaluation is necessary.

- B) The recipient provides full-time care for another household member due to that person's medical condition or incapacity.
3) Time Limit on Receipt of Cash Assistance
A) Receipt of cash assistance by TWI participants shall be limited to 24 months. Months in which the participant has earnings or is exempt do not count toward the 24-month limit.
B) Beginning with the first month of the 24-month eligibility period, the addition to the household of a child under age 13 or the birth of a child more than 10 months later shall not extend the 24-month period of eligibility.
C) After reaching the 24-month limit, the participant shall be

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- Programs while in Get a Job.
A) Participation Requirements
i) Unless they have good cause, participants must:
ii) attend scheduled monthly job search meetings;
iii) keep appointments with Get A Job staff;
iii) make a good faith effort to complete 20 employer contacts each month;
iv) accept a bona fide offer of suitable employment; and
v) maintain employment and not voluntarily reduce earnings.
B) Participants will remain in Get A Job for six months or until they have budgeted earnings of at least \$255 per month, whichever comes first. Nonexempt participants will then be reassigned to other TANF activities as slots are available.
C) Participants will be placed in Get A Job each time they are approved for cash assistance and meet the selection criteria.
5) Supportive Services will be provided to assist participants in their job search.
A) Each participant will receive a monthly job search allowance of \$20 to cover the cost of employer contacts including transportation, stamps, resumes, etc. No additional payment for these costs will be allowed.
B) Payment for child care and initial employment expenses will be provided, as needed, within the limits stated in 89 Ill. Adm. Code 112.82.
6) Sanctions
A) Reconciliation will be attempted with participants who fail to meet participation requirements (see 89 Ill. Adm. Code 112.77).
B) When reconciliation is unsuccessful, the TANF sanctions will apply (see 89 Ill. Adm. Code 112.79).
o) Targeted Work Initiative (TWI)
1) Demonstration Status
The Department will operate the Targeted Work Initiative (TWI) as a statewide demonstration for five years beginning December, 1995. Some areas will be designated as the research sites where cases will be randomly assigned to an experimental or control group. Clients in these areas who are not in the experimental group will not participate in TWI.
2) Selection of Participants
TANF cash recipients whose youngest child is age 13 or older shall be required to participate in TWI and must seek and accept employment as part of the TANF Employment and Work Program unless the recipient has earned income or is excused for one of the following reasons (other TANF exemption reasons listed in 89 Ill.

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ineligible for cash assistance for a period of 24 months; however, families who have complied with all the TWI requirements and have not started to work will receive an extension of the time limit to enable them to become employed. When the participant is off cash assistance for 24 consecutive months, for any reason, the 24-month period of eligibility will start over.

- 4) Participation Requirements
During the 24-month eligibility period, participants must cooperate with the requirements of the TANF Program as described in 89 Ill. Adm. Code 112.72. Participants who fail to cooperate shall be subject to sanction.

5) Sanctions

- A) Reconciliation (see 89 Ill. Adm. Code 112.77) will be attempted with participants who fail to meet participation requirements without good cause (see 89 Ill. Adm. Code 112.80).

- B) When reconciliation is unsuccessful, the TANF sanctions will apply (see 89 Ill. Adm. Code 112.79).

- C) Months during which the participant is sanctioned shall count as part of the 24-month eligibility period if the participant would otherwise have received cash assistance.

6) Activity Assignments for TWI ParticipantsA) Initial Activity Assignment

- i) Participants with a high school diploma, GED or recent work history will initially be required to complete eight weeks of independent Job Search followed by assisted Job Search.

- ii) Participants who have neither a high school education nor recent work history will initially be given a choice of independent Job Search, Job Search plus job training or GED.

B) Work First/Pay after Performance for TWI Participants

- i) Participants who have completed their appropriate activity and have not become employed after 12 months will be assigned to the Work First pay after performance program.

- ii) Participants in Work First must work at least 50 hours per month in an assigned pay after performance position. Their TANF grant will be reduced by this amount (assigned hours x minimum wage). They will be paid the Federal minimum wage, by the employer or Community Based Provider, for only the number of hours they actually participate.

- iii) Participants in Work First must also complete 20 employer contacts each month equivalent to 35 hours of job search activities per month or 35 hours of Job Club activities per month.

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- iv) Participants will be assigned to Work First/Pay after Performance until they find unsubsidized employment or for a maximum of six months, whichever comes first.

- v) Participation in Work First/Pay after Performance does not extend the 24-month eligibility period.

- vi) The Department will develop Work First/Pay after Performance positions with private employers or not-for-profit or public agencies and will provide Worker's Compensation coverage for participants.

B) Work First/Pay after Performance for Non-TWI Participants

- 1) Participants who are not in TWI and quit employment without good cause or lose employment for reasons entirely out of their control (for example, plant closings or layoffs) will be required to participate in Work First pay after performance for six months or until they obtain employment to the extent slots exist. To the extent that resources allow, job ready clients will also be targeted for Work First pay after performance slots.

- 2) Individuals in a TANF case assigned to Work First must participate in Work First and other activities combined for an average of at least 20 hours each week in FY 1997 and FY 1998, at least 25 hours each week in FY 1999, and at least 30 hours each week in FY 2000 and after.

- 3) Non-TWI nonexempt individuals in a two-parent TANF case must participate an average of at least 35 hours each week.

- 4) Participants in Work First participate the number of hours per month equal to the relevant amount of benefits divided by minimum wage. Other countable activities will be combined with Work First to meet minimum hourly participation requirements.

- 5) Participants will be assigned to Work First/Pay after Performance until they find unsubsidized employment. An assessment will be conducted every six months to determine appropriateness of assignment, if work skills are being gained and if the opportunity for placement exists.

- 6) The Department will develop Work First/Pay after Performance positions with private employers or not-for-profit or public agencies. The Department shall provide Worker's Compensation coverage for participants. The Department will ensure all applicable employer safety laws are met for Work First/Pay after Performance assignments. Failure of an employer to do so will result in termination of the Contract.

- q) Substance Abuse Pilot

- r) Domestic Violence Pilot

(Source: Emergency amendment at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

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a) Sanctions may be imposed against those nonexempt participants who are mandated to participate in JBS and fail to participate without good cause. Sanctions shall be based on instances of non-cooperation which occur on or after July 1, 1997. The sanction penalty shall be as follows: in JBS-if conciliation is unsuccessful (see Section 112.77) for good cause as specified in subsection (b) of this Section; exempt and nonexempt individuals who volunteer to participate in JBS and attend the orientation meeting and become a program participant by completing the initial assessment and development of the employability plan and assignment to a component will be sanctioned if they thereafter do not meet the program requirements in subsection (b) of this Section without good cause; For the first failure to cooperate, the sanction period lasts until the participant agrees to cooperate. A sanction period of three months or until the individual cooperates, whichever is longer, is imposed for the second failure to participate if conciliation is unsuccessful, a sanction period of six months or until the individual cooperates, whichever is longer, is imposed for subsequent failures to participate if conciliation is unsuccessful. The Department will not impose a three or six month sanction on any nonexempt participant due to a sanction imposed prior to April 17, 1990.

1) For the first instance of non-cooperation, the cash assistance payment is reduced by 50 percent of the family's payment level until the cooperation requirement is met. If the cooperation requirement is not met after three months of reduced payments, the entire cash payment is stopped.

2) For the second instance of non-cooperation, the cash assistance payment is reduced by 50 percent of the family's payment level for three months. If the cooperation requirement is not met after three months of reduced payments, the entire cash payment is stopped.

3) For the third instance and any subsequent instance of non-cooperation, the family's entire cash assistance payment is stopped for at least three months. Cash assistance will be reinstated for the fourth month if the cooperation requirement is met during the three-month sanction period.

4) Sanction penalties accumulate by family, not by person, during any single period of continuous assistance. A loss of all cash assistance due to sanction shall not be considered a break in assistance. If a family member's non-cooperation occurs during a sanction period which was the result of another member's non-cooperation, the next progressive sanction shall apply.

b) Sanction Reasons Sanctions
Sanctioning of a participant will result from one instance of any of the following unless conciliation is successful:

- 1) failure to respond to a job referral;
- 2) failure to accept a bona fide offer of suitable employment (see Section 112.72(a)(3) and (4));

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- 3) discontinuing part-time employment (less than 20 30 hours per week) (see Section 112.64);
- 4) reducing employment (that is, hours of employment) to less than 20 hours per week (see Section 112.64(d)(1));
- 5) failure to respond to a call-in notice for an Orientation appointment (see Section 112.76). This reason only applies to nonexempt clients who are mandated to participate in JBS;
- 6) failure to report to an assessment interview and comply with the assessment process (see Section 112.74). This reason only applies to nonexempt clients who are mandated to participate in JBS;

- 7) failure to participate in the JBS-component activity;
- 8) failure to respond to a written notice for a meeting. For the purpose of determining attendance at JBS meetings, if participant arrives anytime within 30 minutes of the start of the scheduled meeting, the participant will be considered present and will be seen. If the participant has good cause (see Section 112.80) for being more than 30 minutes late the tardiness will be excused. The JBS worker will include the participant in a scheduled group or other meeting or re-schedule the participant for another meeting;

- 9) failure to make good faith effort to complete and provide verification of the required number of acceptable employer contacts every 30 days when employer contact activity is required in a component;

- 10) failure to accept transportation, family counseling or other social service or employment and training services such as testing or employment counseling, thereby precluding or interrupting participation in work or training JBS activities;
- 11) failure to maintain satisfactory participation of at least 75% below post-secondary and post-secondary education activities in any program component; or

- 12) failure to provide verification of education/training activities, employability status, etc.

c) No JBS sanction will be imposed until JBS staff has sent the participant a written notice scheduling a good cause determination/conciliation meeting to determine whether the participant had good cause for his or her failure to comply with JBS requirements and the participant has either failed to attend the meeting or failed to show good cause. If the participant failed to show good cause, the conciliation process will continue (see Section 112.77) to enable resolving disputes related to JBS participation. The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause. Failure of the participant to appear for the scheduled meeting is not considered an instance of noncooperation.

d) A JBS sanction against participants may be rescinded at any level of the sanction process up through and until the final agency decision,

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including any appeal hearing, if the participant establishes good cause (see Section 112.80 for good cause criteria).

- e) When an appeal hearing is held, the participant shall establish good cause (see Section 112.80 for good cause criteria).
- When an appeal hearing is held, the participant shall establish good cause (see Section 112.80 for good cause criteria).

e) The notice of change form issued for a JOBS sanction shall include the following:

- 1) a description of the acts of noncooperation with JOBS, including dates where applicable;
- 2) a statement that the participant's acts were without good cause (see Section 112.80 for good cause criteria); and
- 3) the following language will be required for participants: You will be sanctioned until (last day of sanction period). In order for cash assistance to be restored at the end of the sanction period with no further gap in assistance, you must file an application (or written request) for cash assistance between (x date) and (y date). If you apply later than (y date), there may be a further gap in assistance.

f) At least 14 days prior to the end of the sanction period, a notice will be sent to sanctioned individuals whose failure to cooperate has continued for three months explaining the individual's option to end the sanction.

g) A sanction under this Section shall not affect receipt of Medical Assistance Receipt of Medical Assistance and/or Food Stamps shall not be terminated as a result of a JOBS sanction.

h) Individuals who are sanctioned will be contacted at least one time per month to attempt to re-engage the client back into the program. Individuals are expected to continue to participate in employment activities even while sanctioned and supportive services (see Section 112.82) will continue to be paid while in sanction status if the individual is participating. If the individual refuses to participate while in sanction status, the next level of sanction is imposed following the completion of the first sanction. In addition, individuals who agree to cooperate following a sanction, will be required to demonstrate cooperation for up to two weeks in the program activity to which they were previously assigned to an activity designed to lead to full participation prior to lifting the sanction. During the sanction period, the individual who fails to cooperate with JOBS is ineligible for financial assistance. If the individual is sanctioned is the unemployed parent in the case and a second parent is in the case, the second parent shall also be sanctioned even if exempt unless the second parent is participating in the JOBS program.

i) During the sanction period, the individual who fails to cooperate with JOBS is ineligible for financial assistance. If the individual is sanctioned is the unemployed parent in the case and a second parent is in the case, the second parent shall also be sanctioned even if exempt unless the second parent is participating in the JOBS program.

(Source: Emergency amendment at 21 Ill. Reg. 0422, effective July 1, 1997, for a maximum of 150 days)

Section 112.80 Good Cause for Failure to Comply with TANF JOBS Participation

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a) If a participant has good cause for not complying with a TANF JOBS participation requirement, financial assistance shall not be discontinued. Examples of good cause include but are not limited to:

- 1) temporary illness for its duration or incapacity;
- 2) court required appearance or temporary incarceration;
- 3) family crisis; 4) death in the family;
- 5) breakdown in child care arrangement;
- 6) sudden and unexpected emergency;
- 7) unavailability of otherwise suitable child care;
- 8) breakdown in transportation arrangements or lack of reasonably available transportation;
- 9) extreme inclement weather;
- 10) the job referral does not meet appropriate work or training criteria (see Section 112.72);
- 11) lack of any supportive service (see Section 112.82), even though the necessary service is not specifically provided under TANF JOBS, to the extent the lack of the needed service presents a significant barrier to TANF JOBS participation;
- 12) if an individual is engaged in employment and/or training that is consistent with the employment related goals of the program, if such employment and training is later approved by TANF JOBS staff (e.g., a participant is unable to attend an orientation session because she is already attending GED classes);
- 13) failure to cooperate due to symptoms of conditions for which the participant may need rehabilitation services;
- 14) failure of Department staff or Contractor to correctly forward the information to TANF JOBS staff;
- 15) failure of the participant to cooperate because of attendance at a test or a mandatory class or function at an educational program (including college), when an education/training program is officially approved by TANF JOBS. When TANF JOBS workers know in advance of such tests and mandatory classes or functions, they shall schedule TANF JOBS activities around them if possible;
- 16) failure of the participant due to his or her literacy;
- 17) failure of the participant because it is determined that he/she should be in a different TANF JOBS activity component;
- 18) non-receipt by the participant of a notice advising him/her of a participation requirement, if documented by the participant. Documentation can include, but is not limited to: a written statement from the post office or other informed individual; the notice not sent to the participant's last known address in Department records; return of the notice by the post office; other returned mail; proof of previous mail theft problems. When determining whether or not the participant has demonstrated

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cause for noncooperation with TANF JOBS requirements unless:

- 1) the participant has failed to comply with TANF JOBS requirements on at least one other occasion within a 30-day 60-day period; or
- 2) evidence independent of the explanation of good cause casts doubt on the participant's explanation.
- c) No participant shall be denied good cause solely on the basis that he or she failed to notify the Department in advance of a participation requirement. Nevertheless, failure to notify is material and is an important factor if the participant could have notified the Department.

(Source: Emergency amendment at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

Section 112.81 Responsible Relative Eligibility for JOBS (Repealed)

EMERGENCY

Only--a-responsible-relative-with-no-net-income-because-of-unemployment-and-who resides-in-Illinois-and-is-not-receiving-General-Assistance--in--the--City--of Chicago--and--has--children--receiving--AFBE--in-Illinois--shall-be-eligible-for Project-Chance-services--A-responsible-relative-who-is-participating-in-the Paternal-involvement-Project-shall-be-eligible-for-JOBS.

(Source: Emergency repeal at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

Section 112.82 JOBS Supportive Services

EMERGENCY

- a) TANF AFBE participants involved in TANF employment and work activities JOBS are eligible to receive supportive service payments to enable them to participate in the program to the extent state resources permit and must receive supportive services if required to participate. The Department is not required to provide supportive services unless the Department requires participation.
- b) During the Family Assessment initial assessment, the supportive services needed by the participant which must be discussed and provided or arranged as needed include at least the following:
 - 1) transportation;
 - 2) child care;
 - 3) job search and work activity allowances allowance;
 - 4) initial employment/job retention expenses;
 - 5) required books, fees, supplies; and
 - 6) required physical examinations and medical services (for example, TB test);
 - 7) eyeglasses and dental procedures; and
 - 8) required background checks.

- c) TANF JOBS participation in work and training activities shall not be

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non-receipt, the Department shall take into consideration a participant's history of cooperation or non-cooperation in the past. If the documented non-receipt of mail occurs frequently, the Department shall explore an alternative means of providing notices of participation requests to participants;

- 19) non-accepting-employment-that-would-result-in-a-net-loss-of-cash income--Net-loss-of-cash-income-results-if-the-family's-gross income-less-actual-necessary-work-related-expenses-is-less-than cash-assistance--the-individual-was-receiving-at-the-time-the offer-of-employment-is-made.

A) Gross-income-includes-but-is-not-limited-to-

- ii) earnings;
- iii) unearned-income; and
- ii) cash-assistance.
- B) Necessary-and-reasonable-expenses-include:
 - i) all-mandatory-deductions-from-gross-income--including union--dues--medical-insurance--and/or-garnishments--or court-ordered-income-withheld-from-earnings;
 - ii) child-care-costs-at-the-Department's-established-rate if--the--individual--would--not--be--eligible--for Transitional-Child-Care--and
 - iii) transportation-costs-to-get-to--and--from--employment including--travel--for--child-care-at-the-Department's established-rates.

- 12)20) non-comprehension of written and/or oral English;

21) failure-of-JOBS-staff-to-make-an-appropriate-employability assessment-and/or-plan;

- 22) the-individual-personally-provides-care-for-a-child-under-age-six and--the--employment-would-require-working-more-than-20-hours-per week;

13)24) child care (or day care for an incapacitated individual living in the same home as a dependent child) is necessary for the participation or employment and such care is not available for a child under age 13;

- 14)24) failure to participate in a TANF JOBS activity due to a verified scheduled job interview;

15)25) the individual is homeless. Homeless individuals (including the family) have no current residence and no expectation of acquiring one in the next 30 days. This includes individuals residing in overnight and transitional (temporary) shelters. This does not include individuals who are sharing a residence with friends or relatives on a continuing basis; or

- 16)26) documented circumstances beyond the control of the participant which prevent the participant from completing program requirements;7-or

27) other-reasons-that-prevent-participation-that-are-outside-of-the control-of-the-individual.

- b) The TANF JOBS worker will not require a participant to document good

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required if supportive services are needed for effective participation but unavailable from the Department or some other reasonably available source. Individuals may be required to make a co-payment for Transitional Child Care (see Sections 112.400 through 112.418).

- d) Student financial assistance received under Title IV of the Higher Education Act (20 USC 1070 et seq. and 20 USC 1087uu), including but not limited to Federal Pell Grants, Supplemental Educational Opportunity Grants, Byrd Scholarship Honors Program Grants, State Student Incentive Grants, Federal Stafford Loans, Supplemental Loans for Students, Perkins Loans, College Work Study and PLUS Loans, shall be exempt when determining eligibility or need for supportive services under the TANF §0BS program (Sections 112.70 through 112.83), or the amount of such supportive services, except as follows. The Department shall not issue payment for the amount of supportive service needs (other than child care) which the Department is able to conclusively determine have been or will be met from such portion of a student's financial assistance grant as is not disbursed to the student but rather is retained by the educational institution and applied to the cost of a specific educational expense otherwise payable as a supportive service under the TANF §0BS program. Such exception shall not apply to the student's loan proceeds, which may never be taken into account in determining the need or eligibility of any student for supportive services, or the amount of such supportive services, under the TANF §0BS program. Nor shall such exception apply if the educational institution intermingles student grant and loan proceeds and the Department is unable to conclusively determine the portion of solely grant proceeds that is not disbursed to the student but rather is retained by the educational institution and applied to the cost of a specific educational expense otherwise payable as a supportive service under the TANF §0BS program.

e) Eligible Services

1) Transportation

- A) If requested and required (for example, a participant who does not have an automobile), expenses for transportation shall be provided to enable participants to attend scheduled TANF work and training-related activities and appointments ~~Orientation-and-Assessment-meetings-and-all-other--scheduled §0BS-appointments.~~

- B) Transportation expenses are to be paid to permit participation in TANF §0BS work and training-related activities, including travel necessary to locate appropriate child care.

- C) Transportation expenses are to be paid to permit the participant to take a state certification examination.

- D) Payment for lodging is permitted with Department approval to allow the participant to take a state certification examination. The Department's determination is based on the participant's geographical location, time required for

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travel, and means of available transportation from the examination site.

E) Payment for transportation is only made for expenses which, with other educational expenses, exceed the amount of the financial aid benefits.

- F) A transportation allowance is provided for participants in approved education and training activities: Work Experience, Work First, and approved program activities (for example, job clubs and job readiness sessions) ~~transportation-payments-are-made-at-the-most-reasonable--and most--economical--rate---whichever---is---less---if--the participant's-own-automobile-is-used--15¢-per-mile--with--be approved---which--includes--all-vehicle-related-expenses---the maximum-transportation-allowance-is-\$900-per-month.~~

i) Public Transportation

Pay the actual public transportation rate per day or the cost of a monthly bus pass, whichever is less, but not to exceed \$88 per month. This allowance applies to the City of Chicago and communities statewide where public transportation is available.

ii) Private Transportation

Pay the following monthly rates if the participant must use a privately owned vehicle or pay someone for transportation: \$30 - Round trip transportation less than 10 miles per day; \$45 - Round trip transportation from 10 to 20 miles per day; and \$60 - Round trip transportation over 20 miles per day.

2) Child Care

- A) If requested and required (for example, when school is not in session), expenses for child care services shall be provided to enable participants to attend work and training-related ~~Orientation-and-Assessment-meetings-and-all other-scheduled TANF §0BS appointments.~~

- B) Child care expenses are to be paid to permit participation in TANF §0BS employment and work activities (see Section 112.78).

- C) Maximum rates for child care have been established by the Illinois Department of Children and Family Services (DCFS) (see 89 Ill. Adm. Code 356.5(g)). The Department shall allow payment of an amount not to exceed the maximum rates per child as established by the Department DCFS.

- D) Any child care co-payment for participants who are not employed, will be offset as a TANF supportive service cost.

3) Job Search and Work Activity Allowances Attendance

- A) An allowance of \$20.00 a month is to be paid to individuals participating in the Job Search Activity Component to assist in the payment of job search-related expenses or to individuals to assist in the payment of job search-related

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shall not exceed \$400 in a six consecutive month period. Job-Retention Expenses used for child care, optical, and dental services are excluded from the calculation of the total amount.

- C) These expenses include:
- i) special clothing (maximum \$200);
 - ii) required tools which are not provided by the employer (maximum \$200);
 - iii) repairs on an automobile (maximum \$300). The following requirements are to be met before a request for payment for repair of and automobile is approved: The client has no other available and suitable form of transportation to and from employment. The client is unable to report to the employment unless the automobile is repaired. The client has a valid driver's license and has provided evidence of insurability. The automobile, when repaired, will be suitable for the purpose intended and no other obvious mechanical deficiency has been observed. The title and license of the automobile must be in the name of the client (or the client's spouse in a an APBC/APBE-B case);
 - iv) auto license plate fees;
 - v) auto liability insurance at the cheapest rate but not to exceed \$150 or three months coverage, whichever is less costly;
 - vi) Pay the actual public transportation rate per day or the cost of a monthly bus pass, whichever is less, but not to exceed \$88 per month. This allowance applies to the City of Chicago and communities statewide where public transportation is available. Pay the following monthly rates if the participant must use a privately owned vehicle or pay someone for transportation: \$30 - Round trip transportation less than 10 miles per day; \$45 - Round trip transportation from 10 to 20 miles per day; and \$60 - Round trip transportation over 20 miles per day transportation expenses--at--the most--reasonable--and--most--economical--rate--whichever--is--less---if--the--participant's--own--car--is--used--\$15--per--mile--shall--be--authorized---A--maximum--payment--of--\$3-00--per--day--shall--be--approved;
 - vii) child care;
 - viii) physical examinations prior to employment if required and not provided by the employer;
 - ix) other required items related to a specific job (maximum \$300); and
 - x) items or services purchased that will assist the individual in meeting Illinois Department of Children

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expenses if job search activities are part of another TANF activity.

- B) An allowance of \$20.00 \$10-00-a-month-shall is to be paid to individuals to assist in the payment of work expenses related to participation in assigned TANF work-related activities job---search-related--expenses--if--job--search activities--are-part-of-another--JBS--component--except--if--the individual--is-scheduled-at-00-hours-in--the--Community--Work Experience--component--or--Unemployed-Parent-Work-Experience Component--and--is-making-five-employer-contacts--each--month--the--allowance--for--job--search-related-expenses-is-\$5-00-a-month.
- 4) Mandatory Fees
Mandatory fees, including application, registration, activities, laboratory, graduation and testing fees, are provided to participants enrolled in approved education or training programs (see Section 112.78) when the mandatory fees are not covered by financial aid benefits. A maximum payment of \$300.00 per 12 month period shall be provided. No payments are allowed for tuition.
 - 5) Books and Supplies
Payment is allowed for books, supplies and equipment purchased in accordance with the facility's published list of required items for the particular program in which a participant is enrolled. A maximum payment of \$300.00 per 12 month period can be provided for expenses not covered by financial aid benefits.
 - 6) Required Physical Examinations and Medical Services
Payment is permitted for participants to obtain required physical examinations and medical services (for example, TB test) if the costs are not otherwise provided by sources such as the employer or the training program.
 - 7) Initial Employment/Job-Retention Expenses
A) Payment may be provided--for--employment--expenses--incurred when--requested--within--30--calendar--days--from--the--date employment--begins---These--expenses--are--paid--on--the individual's-work-days--during--a--30--calendar-day-period--from the--date--employment--begins. The total amount of all Initial Employment Expenses provided shall not exceed \$400 in a 12 consecutive month period following the date employment begins. Initial Employment Expenses used for child care are excluded from the calculation of the total amount. Payment may be made--to--individuals--employed--at--least--20--hours--weekly on--a--job--that--is--expected--to--last--at--least--30--calendar--days or--employed--less--than--20--hours--weekly--on--a--job--that--is expected--to--last--at--least--30--calendar--days--and--total--hours of--employment--plus--component--activity--equal--at--least--20 hours--per--week.
 - B) The total amount of all Job-Retention Expenses provided

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and Family Services' child care licensing requirements (maximum \$300.00). Items and services may include but are not limited to the purchase of fire extinguishers, smoke alarms, first aid kits and installation of a telephone;

- xi) security deposit for the driver of a carpool vehicle to transport a group of workers to a worksite; and
- xii) eyeglasses and dental services approved by the Department to alleviate barriers to employment.

D)(e) Initial Employment/Job-Retention employment expenses shall not be authorized to purchase fire arms, pay bail bonds or traffic tickets, or pay relocation expenses so an individual can accept employment elsewhere.

E)(b) Initial Employment/Job-Retention Also-not-permitted-as-an initial-employment--expense--are expenses are appropriate required for the self-employment of the individual except when expenses will assist the individual in becoming an Illinois Department of Children and Family Services' licensed child care provider and other micro enterprise start ups likely to generate income.

- 8) Eyeglasses and Dental Procedures
Payment is allowed with Department approval for eyeglasses and dental procedures such as partial plates for participants with noticeably missing/malformed teeth or other dental procedures needed to meet the objectives of the participant's Responsibility and Services Plan.

- 9) Background Checks
Payment of fees for conviction background investigations is allowed when employers require a background check of their regular employees for the same type of job or work experience that is completed by the TANF participant. Criminal history record conviction information is obtainable by the public pursuant to the Uniform Conviction Information Act [20 ILCS 2635] and the Health Care Worker Background Check Act [225 ILCS 46]. These allowances are exempt from consideration in determining the TANF APBE grant amount.

- 9) Ancillary Supportive Services
1) In addition to supportive service payments as specified in subsection (b) above, participants are eligible to receive the following ancillary supportive services, if needed, and the service--is--available--in--the--community--at--no--cost--to--the Department, to enable them to participate in the TANF ~~APBE~~ work program:

- A) vocational rehabilitation;
- B) emergency intervention services;
- C) substance abuse or domestic violence programs;
- D) life skills training activities;
- E) family planning/sex education;

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- F) parenting skills; and
- G) family counseling.

- 2) Child care and transportation at the Department's established rates may be provided to enable TANF ~~APBE~~ participants to receive ancillary supportive services if they also participate in a TANF employment and work component activity.

- 3) Regarding emergency intervention services, TANF ~~APBE~~ staff will refer the participant to the appropriate Local Office for application under the Crisis Assistance Program (see 89 Ill. Adm. Code 116). The need for supportive services shall be discussed with the participant when a review of the participant's Responsibility and Services Plan ~~employability-plan~~ is made.

(Source: Emergency amendment at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

Section 112.83 Teen Parent Services Young-Parents-Program EMERGENCY

- a) Teen Parent Services Program assists pregnant or parenting teens age 19 or younger while in below post-secondary education or any age while in high school and who receive assistance under the Temporary Assistance for Needy Families (TANF) program. Teen Parent Services (TPS) helps young persons in school to obtain a high school diploma or equivalent so they can become self-sufficient and move from dependence to independence. The major goal of TPS is to provide case management services that assist pregnant or parenting teens, who are receiving TANF, in a minimum of 20 hours per week of education and/or related activities to enable them to attain a high school or alternative high school diploma, GED certificate. The major objectives of TPS include:
 - 1) keeping pregnant or parenting teens in school and progressing toward achieving a high school diploma or GED certificate;
 - 2) proving on-site or making referrals to family-centered activities and services to meet personal, physical and social needs;
 - 3) to the extent resources allow, assuring that all of the pregnant or parenting young persons receive parenting skills, child growth and development instruction and health services delivery information;
 - 4) increasing paternities established and support paid by providing information and follow-up on the Child Support Enforcement program;
 - 5) instilling knowledge and modifying behaviors to enable long term self reliance and thus breaking the generational cycle of welfare dependence; and
 - 6) developing an individualized Responsibility and Services Plan to move to economic self-sufficiency. ~~Young-Parents-Program--(yppp and--uprogram)--is--a--JBS--program--for--pregnant-or-parenting recipients-under-the-age-of-21--and--who--meet--the--criteria--of~~

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Section 112.70. The Program assists participants toward self support, reduction of unwanted repeat pregnancies and attainment of optimum physical and mental health for themselves and their children. The Program offers supportive services, service payments, counseling, instruction and brokerage to assist participants to attain their goals of education and training, develop job readiness and enhance family management, daily living, family health and personal skills needed for self sufficiency. Participation in the Young Parents Program is considered the same as participation in JABS.

b) Program Services

1) Teen Parent Services are available Statewide. Program services are available for all Cook County residents meeting YPP eligibility requirements, except those residing in the areas served by the Southens, Auburn Park, Roseland and South Suburban local offices. TPS YPP participants are entitled to the same supportive services as TANF employment and work activity JABS participants as described in Section 112.82. To be eligible to enroll, a person must be pregnant or a parent, under the age of 20, 21 and a recipient of TANF, and not have a high school diploma or GED certificate. Assistance from one of the following programs administered by the Department:

- A) Medical Assistance/Grant Programs (MAG)?
 - i) Refugee/Repatriate Programs (RR)?
 - ii) Aid to Families with Dependent Children/Regular (AFBC-R)?
 - iii) Aid to Families with Dependent Children/Unemployed Parent (AFBC-U)? or
 - iv) General Assistance (GA)?
- B) Medical Assistance/No Grant Programs (MANG)---Non-spend down)?
 - i) Medical Assistance to Families with Dependent Children (APBC-MANG-CR)? or
 - ii) Medical Assistance to Families with Dependent Children/Unemployed Parent (APBC-MANG-EU)?

2) A participant who attains age 19 21 may remain in the Program for advancement completion of the Family Assessment and Responsibility and Services Plan YPP service plans in effect until on his or her twentieth birthday. Upon completion of the TPS Responsibility and Services Plan service plan, the participant is transitioned moved to the adult TANF Program JABS (see Sections 112.70 thru 112.82). A participant of any age who is in high school may remain in TPS while in high school when classes are in session, or when enrolled and expected to attend classes following semester break. Upon completion of high school, the participant may remain in TPS for up to six months for advancement of the Family Assessment and Responsibility and Services Plan in effect until his or her

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twentieth birthday.

c) Teen Parent Services YPP operates as follows:

- 1) TPS is administered by the Department depending on the address of the participant. The program is operated either by DHS staff or under contract, with community agencies, organizations, entities and educational institutions that are experienced in working with youth and trained in Departmental policies, programs and services. Participation in the program begins with attendance at a scheduled orientation session. The orientation session provides an overview of YPP and discussions of opportunities, personal goals, and the advantages of self support and problems of teenage parents. At orientation the participant is also advised as to the voluntary and mandatory aspects of the program. The Teen Parent Services Program shall:
 - A) Arrange and monitor the participant's education at a high school/alternative high school or GED program which is for a minimum of 20 hours per week.
 - B) Provide a program orientation which includes:
 - i) information on program requirements;
 - ii) an explanation of the program activities/services including program goals, participant responsibilities to attend classes for a high school diploma or GED certificate;
 - iii) an explanation of the supportive services available, including an assessment of the need for child care and transportation to attend classes;
 - iv) an explanation of the mandatory nature of the program and the reconciliation process including good cause and sanction; and
 - v) an explanation of the Department's programs including but not limited to the income budgeting process (Work Pays); Child Support Enforcement Program; Transitional Child Care Program and eligibility for Transitional Medical Assistance. Following the orientation session, participants are scheduled to attend a series of three half-day workshops. Each half-day session is conducted on a different day. Workshop participants receive information and are afforded the opportunity to discuss topics such as birth control, education, training, nutrition, self support services, parenting, advocacy, community resources, the world of work, self-esteem and family health care. A self assessment is completed, and a literacy test is administered.

3) Conduct an assessment of abilities and interests, education and employment history, family health including family planning and record of children's immunizations that were done or need to be done. During the assessment process, the worker is to obtain or

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otherwise determine the participant's current literacy level. TPS will develop a Family Assessment and Responsibility and Services Plan for each participant. The plan includes an agreement by the participant to cooperate with paternity establishment and child support enforcement; and attend parenting and life skills classes if required. The plan must also include an agreement to not voluntarily quit a job without good cause. The Responsibility and Services Plan also establishes the responsibilities of the TPS case manager in helping the participant set up a plan to become self supporting. The TPS case manager provides the participant with the services necessary to allow the teen parent to move toward independence, including, but not limited to: education, employment and training programs; supportive services such as reimbursement for child care and transportation; and help in establishing paternity, getting a support order and collecting child support. Once completed, the plan is to be signed by the teen parent. After the final workshop, an individual interview is conducted or an appointment for an interview is arranged. At the interview, the participant's interests, abilities and skills are reviewed together with the participant's goals and a plan of self-support will be developed. The participant is assigned to the appropriate YPP component and based on an assessment of the participant's needs, may be referred to other appropriate services (e.g., mental health counseling, drug or alcohol abuse counseling and treatment).

4) Conduct workshops and/or activities of interest and concern to participants as determined to be helpful to preparing the pregnant or parenting teens to complete his or her education and obtain employment. These activities include but are not limited to:

- A) Parenting instruction;
- B) Child growth and development classes;
- C) Home and family management instruction;
- D) Decision making skills;
- E) Life skills instruction;
- F) Structured and supervised study time;
- G) Volunteer work and peer tutoring;
- H) Work study; and
- I) Job readiness.

5) Offer a case management approach to customer service which includes the use of intervention techniques to eliminate the barriers to ongoing participating and goal attainment by close monitoring and follow-up. The case manager works closely with the teen, his or her family and significant others in the process. The case manager provides counseling and mediation services, advocacy, service referral and role modeling.

6) Facilitate health services delivery for pregnant or parenting

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teens and their children particularly Early, Periodic, Screening, Diagnostic and Treatment (EPSDT); instruction on postponing subsequent pregnancy; health and sexuality education including risk reduction for STD/HIV infection and abstinence; and birth control information. Referral for drug and alcohol abuse prevention, violence prevention as well as other health and safety related areas.

7) Having ongoing communication with the schools and/or community agencies that serve the teen parents to facilitate coordination of service delivery and school attendance.

8) For pregnant or parenting teens, provide assistance in the development of a child care plan and follow-up on referrals for the provision of child care. Referrals may be made to the Child Care Resource and Referral network (CCR and R) or any other customer serving agency in the community or any other source. Conduct activities and events including job fairs, related to employment development and job placement.

9) The following on-site or community education activities as needed: tutoring; GED; Adult Basic Education and literacy classes; return-to-school preparation classes; computer assisted literacy lab; computer assisted career exploration or appropriate alternative.

10) On-site or community enrichment and goal directed activities such as: cultural, health, or education fairs; holiday celebrations; and paternal involvement sessions.

11) Regular developmental parent-child activities including: on-site family literacy instruction; education field trips teaching child play and communication; toy making; and parent-child parties.

12) Upon completion of the TPS below post-secondary education plan, if the teen is under age 20, he/she may remain in TPS for up to six months to transition into the adult TANF Program. A young parent of any age may remain in the TPS while enrolled in high school. Upon completion of TPS activity or when otherwise no longer eligible for TPS, the case is transferred to adult TANF employment services.

d) Assignment to TPS activities YPP Component

1) Based on the Family Assessment and Responsibility and Services Plan on the basis of the interview's assessment of the participant's education, training and skills, the participant is assigned to one of the following TPS activities YPP components: Education, Vocational Job-Skills Training, Job Readiness, or Job Search. Participation in each of the TPS activities YPP components consists of performance of component related activities such as: enrolling in and attending school, English as a Second Language (ESL) instruction, training, or conducting a job search; and/or attending assigned group and/or individual activities. See Section 112.78 for description of program activities and participation requirements.

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and experiential learning to teach participants how to seek employment. A participant is determined to be job ready if an assessment of the participant demonstrates the educational background, work experience, and motivation necessary for entry into the job market. This assessment is done at the end of the three day workshop, upon completion of a TPS YPP component, or following job club activities. Job ready participants receive TANF employment and work-activity JBS services. Participants will conduct an independent job search (IJS), monitored by TPS YPP workers. Participants conducting independent job search will make five employer contacts weekly and attend weekly IJS group sessions.

ii) See Section 112.78(d) for a description of this component, as well as for the participation requirements.

- 2) Regardless of component assignment, participants lacking such skills as parenting, home management, daily living, problem solving or socialization will receive personal skill development as part of their component assignment. This activity consists of Parent Training/Enrichment sessions, a series of group instruction seminars and experiential learning activities, and/or Intensive Counseling.
- e) Post Secondary Education
See Section 112.78(h) for a description of this component, as well as for the participation requirements.
- f) Self-initiated Education
See Section 112.78(i) for a description of this component, as well as for the participation requirements.
- g) If a need for services other than or in addition to TPS YPP services is determined, the participant will be assisted in obtaining necessary services or will be referred to the appropriate provider.
- h) Every three months or more frequently, depending on the existence of circumstances that would affect placement in a component or participation in the program, the TPS YPP worker shall make personal contact with the participant to review that participant's employment plan in relation to his or her his/her needs circumstances and progress.
- i) Every six months or more frequently, depending on the existence of circumstances that would affect placement in a component or participation in the program, the TPS YPP worker shall reassess the plan and determine whether to continue, revise or terminate the participant's Responsibility and Services Plan employment plan and/or activity component assignment.
- j) If the Responsibility and Services Plan employment plan and/or assigned activity component are not suited to a participant's needs, the employment plan shall be revised with input from the

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A) Education
i) ~~Participants currently in school--those wishing--to return--to school--and those not in school--but in need of remedial schooling--(e.g., express--a--desire--for education--cannot--read--or write)--are assigned--to the Education component--These participants are--assigned in--location--facilities--or--programs--suited--to--their education--or--training--needs.~~

ii) Participants that do not have the necessary English language skills (i.e., lacks ability to read, write or speak English) to obtain employment are assigned to the Education component. These participants are assisted in locating facilities or programs that will teach them English. Participants may receive educational services on-site.

iii) See Section 112.78(a) for a description of this component, as well as for the participation requirements.

- B) Job Skills Training
i) Participants with a GED certificate or a high school diploma will be evaluated for assignment to the Job Skills Training component. They will be referred for vocational training programs such as those offered by JTPA, the city colleges, and TANF employment and work activities JBS if they meet the requirements of those programs.
- ii) Participants entering TPS YPP without a high school diploma and already enrolled in vocational training will also be required to participate in GED classes.
- iii) See Section 112.78(b) for a description of this component, as well as for the participation requirements.
- C) Job Readiness
i) The Job Readiness Component is designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. This component helps individuals gain the necessary job finding skills to help them find and retain employment that will lead to economic independence.
- ii) See Section 112.78(c) for a description of this component, as well as for the participation requirements.
- D) Job Search
i) Participants in need of intensified job search skills (i.e., has never sought or held a job) or who are determined to be job ready are assigned to Job Search, which offers group, instruction, individual counseling

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participant and the TPS vpp worker and, if necessary, the participant shall be assigned to a more suitable component.

k) Other Considerations

1) If the participant is under age 21 and completes the requirements of an employability plan and/or component, the employability plan may be revised and, if necessary, the participant may be assigned to a different component.

2) If the participant reaches age 21 but has not yet attained his or her his/her goal, he/she may remain an active TPS vpp participant until completion of the goal.

l) Teen Parent Services Young-Parents-Program Sanction

See Section 112.79 for TANF sanction rules. The Department's policy on sanctions for failure to cooperate with Teen Parent Services Young Parents-Program requirements.

m) Good cause for failure to comply with Teen Parent Services Young Parents-Program-Participation requirements

See Section 112.80 for the Department's policy on good cause rules for failure to comply with Teen Parent Services Young-Parents-Program participation requirements.

n) Termination of TPS vpp Cases

TPS vpp cases shall be terminated for any of the following reasons:

1) the participant no longer receives assistance through TANF a-vpp eligible public assistance program (see subsection (b)(1) above);

2) the participant completes high school and is age 20 or older or completes other below post-secondary education and is age 20; the participant is age-21-or-over-and-completes-all-vpp-plans;

3) the participant who is a volunteer and is exempt from participation requests TPS vpp case cancellation;

4) the participant obtains full-time employment and remains employed for six consecutive months;

5) the participant who is a volunteer and is exempt from participation elects to enroll in a program providing services similar to those offered by TPS vpp (e.g. Parents Too Soon, Project Match); tf12 6) for a period of three consecutive months, the participant who is a volunteer and is exempt from participation fails without good cause, to engage in the activity or level of activity agreed upon in the TPS vpp employability plan;

7) the participant moves from Cook County or a move within Cook County causes participation not to be convenient. (In such an instance, the TPS vpp case is transferred to the appropriate JOBS office); or

8) when a participant's status changes to exempt and he/she does not wish to volunteer for TPS vpp services.

o) Reconciliation Conciliation and Fair Hearings

See Section 112.77 for Reconciliation, the Department's policy on Conciliation and Fair Hearings rules.

p) TANF Supportive Services' Expenses

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In order to enable TPS vpp participants to engage in TPS vpp approved activities or to provide access to services for the treatment of physical, mental and/or substance abuse related problems for themselves and/or their children, payment requests for certain education or training expenses, initial employment/job retention expenses, job search allowance child care and/or transportation costs may be approved by TPS vpp workers. (See Section 112.82.) TPS vpp shall not duplicate payments made by other programs in which the client is participating, such as TANF employment and work activities JOBS or JTPA.

1) Job Search participants will receive a weekly transportation allowance in bus tokens. The first week's tokens will be issued in advance. Subsequent issuances will be made if the participant provides names and telephone number of five employers contacted each week.

2) Transportation expenses for participation in other TPS vpp components will be paid in advance of the first two weeks of scheduled participation. At the end of the month, the participant must verify his/her attendance at the scheduled sessions using a record provided by the educational or training institution or a TPS vpp form verifying the participant's attendance. The TPS vpp participant will be reimbursed for the least expensive available means of transportation.

3) Transportation expenses to provide access to services for the treatment of physical, mental, and/or substance abuse related problems for TPS vpp participants themselves and/or their children shall be approved by TPS vpp workers.

4) TPS vpp workers shall approve initial employment expenses necessary to enable a participant to accept employment.

5) Education and training expenses such as books, supplies, and mandatory education fees for participants of the Education, Vocational Training, and the ESL components shall be approved by TPS vpp workers.

6) In order to enable TPS vpp participants to participate in any TPS vpp approved activity except for employment, child care expenses will be provided.

q) Family Assessment and Responsibility and Services Plan

1) A young parent, who is required to participate in the Teen Parent Services (TPS) Program, must complete the Family Assessment and Responsibility and Services Plan. The plan is completed as part of the Family Assessment.

2) The Family Assessment and Responsibility and Services Plan defines the responsibilities the young parent must meet to receive TANF cash assistance and what services the Department agrees to provide. The plan outlines family needs, the required activities and necessary supportive services. The plan must be signed by both the young parent and the TPS case manager. The plan sets the following goals for the young parent and describes

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the assignment into the Four Year College/Vocational Training Demonstration Project is based on approval by the Department. The Department's approval shall be based on:

- 1) the eligibility criteria listed below; and
- 2) the need to ensure a statewide geographical distribution of participants in the Demonstration Project.

c) Eligibility Criteria
In order to be eligible for the Demonstration Project the following criteria must be satisfied:

- 1) the client possesses a high school diploma or GED certificate;
- 2) the program selected makes the client employable (see Section 112.70(4)(2)). Consideration shall be given to the time required to complete the program as well as the overall cost and quality of the program;
- 3) the client must be enrolled in post-secondary education for which jobs will be available upon completion of training as determined by Job Service and/or other documented and reliable sources (e.g., Horizons, Department of Commerce and Community Affairs and/or the placement officer at an educational institution or facility);
- 4) the client has the aptitude, ability and interest necessary for success in the particular educational or training program (as determined by such factors as test results, educational background and previous training);
- 5) the program is administered by an educational institution accredited by ISBE or the Department of Registration and Education;
- 6) the client must apply for the Pell grant and scholarships from the Illinois State Scholarship Commission as well as any scholarships or grants identified by the education or training facility for which the registrant may be eligible;
- 7) the client must be enrolled in a full-time program unless:
 - A) a full-time program is not readily available or (e.g., a full-time GED program is not available) or
 - B) a part-time program is more appropriate (e.g., the client only needs a four-hour course to complete his/her educational or training program).

d) Participation Requirements

- 1) the client shall maintain a level of satisfactory attendance and progress as established and reported by the educational facility;
- 2) the client shall provide verification of attendance and progress (i.e., statements signed by the instructor, educational records and reports prepared at the end of the term. Additionally, if the Department is paying for child care and/or transportation to enable the client to participate in the Four Year College/Vocational Training Demonstration Project, the client must provide monthly verification of his attendance);
- 3) Curriculum changes can be made only with the prior written

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how the Department will help the young parent to meet these goals:

- A) attend school to complete a high school education;
 - B) establish paternity for the young parent's child or children and obtain child support;
 - C) improve the young parent's parenting skills; and
 - D) seek and obtain full-time employment.
- 3) Completion of the Family Assessment and Responsibility and Services Plan is a TANF employment and work-activity requirement for TPS participants. Failure to cooperate in completing the plan shall result in a sanction as described in Section 112.79. If reconciliation is not successful, unless the participant has a child 12 weeks of age or younger.

(Source: Emergency amendment at 21 Ill. Reg. 2120, effective July 1, 1997, for a maximum of 150 days)

Section 112.84 Work Experience Evaluation Project (Repealed)

EMERGENCY

- a) In Cook County, the Manpower Demonstration Research Corporation (MDRC) will conduct a research project to evaluate the net effect of the Illinois Work Experience component of JOBS. This project will differ from the program described in Section 112.70(f) in that at the beginning of JOBS orientation (described in Section 112.70) new JOBS mandatory registrants will be randomly assigned to an Experimental or Control group by a computer program;
- b) Both Experimental and Control groups will receive the full range of JOBS services, however, only the Experimental group will be considered for participation with Work Experience;
- c) APDC-B clients, JOBS volunteers, existing JOBS nonexempt participants in Cook County, and all new and existing downstate JOBS nonexempt participants are exempt from the Evaluation Project.

(Source: Emergency repeal at 21 Ill. Reg. 2120, effective July 1, 1997, for a maximum of 150 days)

Section 112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

EMERGENCY

- a) In the Four Year College/Vocational Training Demonstration Project the Department provides information, referral, counseling, services and supportive services to increase clients' long-term employment potential. Clients are notified by mail twice a year of the Demonstration Project and are advised to make application with JOBS staff within 30 days of the notice;
- b) Entry into the Component

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approval-of-the-GBRS-worker--Prior-approval-will-be-granted-when the-curriculum-change-is-consistent-with-the-written-goal-of-the training-program

- e) Participants-in-the-Demonstration-Project-will-be-eligible-for-the same-supportive-services---accorded---to---clients---in---other education/training-activities-of-the-pre-employment-component-of--GBRS (as-identified-at-Section-112.82);

f) Reassessment

The-GBRS-worker-shall-contact-clients-on-a-monthly-basis-if-the supportive-service-payments-identified-in-Section-112.82-are-issued. Clients-not-requiring-supportive-service-payments-or-receiving-these payments-from-another-source-shall-be-contacted-once-each-semester. Client-contact-consist-of-attendance-reports-progress-reports-group of-individual-sessions-on-site-program-visits-and-written correspondence

(Source: Emergency repeal at 21 Ill. Reg. 8423, effective July 1, 1997, for a maximum of 150 days)

SUBPART-B:--PROJECT-ADVANCE

Section 112.86 Project Advance (Repealed)
EMERGENCY

- a) Project-Advance-is-a-four-year-demonstration-program-of-experimental design-operated-by-the-Department--The-purpose-of-the-demonstration program-is-to-determine-if-mandatory-participation-in-a-program providing-employability-personal-and-family-management-skills--and job-development-services--for-pregnant-or-parenting-APBE-recipients under-age-20-will-measurably-reduce-the-length-of-time-on-APBE;
- b) Teenage-APBE-R-females-are-eligible-for-selection-in-Project-Advance. The-Department-will-select-APBE-R-female-recipients-under-age-twenty (20)-who:

- 1) are-childless-and-pregnant;-or
- 2) have-only-one-child-and-are-not-pregnant-at-the-time-of selection;-and
- 3) reside-in-the-area-served-by-the-South-Suburban-(Cook-County Southern-Suburbs--south-of-67th-Street)-Auburn-Park-(Chicago-zip code-areas-68659--68619-and-68620)-Roseland-(Chicago-zip-code areas-68627--68620--68642--and-68655)-or-Southeast-(Chicago zip-code-areas-68617--68639-and-68649)-public-aid-offices-in-Cook County--Illinois;

(Source: Emergency repeal at 21 Ill. Reg. 8423, effective July 1, 1997, for a maximum of 150 days)

Section 112.87 Project Advance Experimental and Control Groups (Repealed)
EMERGENCY

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- a) The-individuals-selected-pursuant-to-Section-112.86(b)-must-attend-a call-in-meeting-where-they-will-be-given-a-literary-test-and-intake information-is-gathered--Individuals-are-sent-a-written-notice advising-of-the-scheduled-call-in-meeting-at-least-seven-(7)-calendar days-prior-to-such-meeting--Immediately-following-the-call-in meeting-they-will-be-randomly-assigned-by-computer-to-one-of-the following-groups:

1) an-experimental-group--The-experimental-group-consists-of--those individuals-who-must-comply-with-the-requirements-of-Sections 112.88-and-112.89;-or

2) a-control-group--The-control-group-consists-of-those-individuals who-meet-the-criteria-of-Section-112.86(b)-but-are-not-allowed-to comply-with-the-requirements-of-Sections-112.88-and-112.89-

- b) Attendance-at-the-call-in-meeting-and-cooperation-with-the-testing-and intake-process-referenced-in-subsection-(a)-above-is-mandatory-for both-experimental-and-control-group-members-and-those-individuals-who fail-refuse-to-cooperate-with-these-requirements-without-good-cause, will-be-sanctioned-pursuant-to-Section-112.98;

c) As-long-as-Project-Advance-is-in-effect-a-person-designated-as-an experimental-or-control-group-member-retains-that-designation-even-if that-person-leaves-the-welfare-rolls-or-project-area-and-subsequently returns-to-the-area-served-by-Project-Advance;

- d) Participation-in-Project-Advance-is-mandatory-for-all-persons-who-are eligible-as-described-in-Section-112.86(b)--Regardless-of-age-participation-is-mandatory-for-any-male-who-is-the-adjudicated-father of-a-child-of-an-experimental-group-participant-and-who-receives assistance-under-the-Department-s-APBE-or-General-Assistance-programs. Is-the-adjudicated-father-is-not-a-recipient-of-APBE-or-General Assistance--Project-Advance-services-are-available-to-the-adjudicated father-however-participation-in-Project-Advance-is-not-mandatory;
- e) To-preserve-the-experimental-design-Project-Advance-enrollment-is limited-to-only-experimental-group-members--and-the-adjudicated fathers-of-their-children;

(Source: Emergency repeal at 21 Ill. Reg. , effective July 1, 1997, for a maximum of 150 days)

Section 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
EMERGENCY

- a) Individuals-assigned-to-the-experimental-group-and-adjudicated fathers--thereinafter-referred-to-as-enrolled-participants--must attend-a-scheduled-Project-Advance-Orientation-session--the Orientation-session-consists-of-Project-Advance-staff-providing enrolled-participants-with-an-overview-of-Project-Advance--informing them-of-Project-Advance-requirements--distributing-a-copy-of-the Project-Advance-handbook-and-explaining-its-content;

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- b) At the Orientation session, enrolled participants are given a written notice advising that the following week they are scheduled to attend a series of three (3) half-day workshops. Each half-day session is conducted on a different day. At the workshops, enrolled participants receive information on and are afforded the opportunity to discuss topics such as family planning, nutrition, parenting, community resources, the world of work, self-esteem and family health care. Enrolled participants must attend the Orientation meeting and all of the three (3) half-day workshops referenced in subsection (b) above or notify Project Advance of good cause to be excused and have their Orientation meeting or workshop rescheduled (see Section 112.91). If an enrolled participant fails to attend an Orientation meeting or a workshop on two separate occasions without good cause, he/she will be sanctioned pursuant to Section 112.90.
- d) After the final workshop an individual interview is conducted or an appointment for an interview is arranged. At the interview, Project Advance staff will assess the enrolled participant's background, education, level of work history as well as factors affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, family problems, goals and interests, skills, abilities and needs of each enrolled participant) and based upon that assessment, jointly develop a service plan. Based on that service plan, enrolled participants will be assigned to one or more of the following components:
- 1) **Life Skills**
Enrolled participants lacking skills such as parenting, home management, daily living, problem solving or socialization skills are assigned to the Life Skills Component. Enrolled participants assigned to this component must attend seminars, meetings and counseling sessions related to parenting and daily living. Additionally, based upon needs identified during the development of the service plan, the enrolled participant may be referred to other appropriate services (e.g., mental health counseling, drug or alcohol abuse counseling and treatment). If the enrolled participant is referred for services, he/she must accept those services and cooperate as required by the service facility to avoid sanction (see Section 112.90).
- 2) **Education**
Enrolled participants currently in school, those wishing to return to school and those not in school but in need of remedial schooling (e.g., express a desire for education, cannot read or write or are functionally illiterate) are assigned to the Education Component. Enrolled participants assigned to this component may be referred to testing, counseling, educational resources and to programs suited to their educational needs. If an enrolled participant is referred to testing, counseling and educational resources, he/she must accept those services and cooperate as required by the service facility to avoid sanction.

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- (see Section 112.90). Enrolled participants assigned to this component must participate in a full-time educational program unless a full-time program is not readily available (e.g., a full-time GED program is not available) or a part-time program is the most appropriate (e.g., the enrolled participant only needs a four-hour course to complete his/her education). Curriculum changes can be made only with the prior written approval of the Project Advance worker. Prior approval will be granted when the curriculum change is consistent with the goals of the service plan. Verification of attendance and progress must be provided (e.g., by statements signed by the instructor, educational records and reports prepared at the end of the term).
- 3) **Vocational Training**
Enrolled participants who are determined not readily employable with their current skills or employed and in need of further training are assigned to the Vocational Training Component. Enrolled participants in this component may be referred to testing, counseling and vocational training programs such as those offered by Job Training Partnership Act (JTPA) (29-U.S.C. 1501 et seq.) and city colleges, if they meet the requirements of these programs. Enrolled participants must cooperate as required by the vocational training program to avoid sanction (see Section 112.90). Verification of attendance and progress must be provided (e.g., by statements signed by the instructor, educational records and reports prepared at the end of the term).
- 4) **Employment**
Enrolled participants who are determined to be employable but who are in need of intensified job search skills (i.e., have never sought or held a job or in the nature and length of time on the job provided little work experience) or who are determined to need orientation to work, work experience or on-the-job training in order to prevent deterioration of or to enhance existing skills (i.e., get a better job) are assigned to this Employment Component. Enrolled participants assigned to this component attend Project Advance Job Club and work assignments. Additionally, enrolled participants are asked to actively contact employers in their efforts to secure employment. If assigned to Project Advance Job Club, enrolled participants must cooperate with that Job Club to avoid sanction (see Section 112.90). If referred to a work assignment, enrolled participants are required to report as scheduled and on time to their work assignment. When they cannot report to their work assignment or they will be later, they must immediately notify their work assignment sponsor. If referred to job search, enrolled participants will conduct independent job search (see Section 112.09(a)).
- e) If a need for services other than or in addition to Project Advance services is determined, the enrolled participant will be assisted in obtaining necessary services or will be referred to the appropriate

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- provider:
- f) Every three (3) months or more frequently, depending on the enrolled participant's circumstances, the Project Advance worker shall make personal contact with the enrolled participant to review that enrolled participant's service plan in relation to his/her needs, circumstances and progress.
- g) Every six (6) months or more frequently, depending upon the enrolled participant's progress and circumstances, the Project Advance worker shall determine whether to continue or revise the enrolled participant's service plan and/or component assignment.
- h) If the service plan and/or assigned component are not suited to an enrolled participant's needs, the service plan shall be revised with input from the enrolled participant and the Project Advance worker and, if necessary, the enrolled participant shall be assigned to a more suitable component.

(Source: Emergency repeal at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

Section 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)

EMERGENCY

Enrolled participants are required to cooperate with Project Advance by:

- a) Cooperating with Project Advance. Cooperation with Project Advance is defined as providing requested information about the enrolled participant's education level, work history as well as any factor affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, family problems) providing complete and accurate information and verifications (e.g., school attendance, day care and transportation) in response to requests from Project Advance staff, appearing for scheduled meetings (e.g., orientation, the three (3) half-day workshops, life skills seminars) and complying with the requirements of the Project Advance components identified in Section 112.88. While it is not a cooperation requirement, enrolled participants are encouraged to make job contacts while in the Employment Component (see Section 112.88 (d)(4)).
- b) Responding to a job referral of suitable employment (i.e., a written statement referring an enrolled participant to an employer for a specific position).
- c) Accepting a bona fide offer of suitable employment. An enrolled participant must be given the opportunity to explain why an offer of employment was not accepted. A bona fide offer of suitable employment is where:
- i) there was a definite offer of employment substantiated by written confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for

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- such work in the community based on information obtained from the Department of Employment Security and
- 2) there are no questions as to the enrolled participant's inability to engage in such employment for physical reasons or because he/she has no way to get to or from the particular job; and
- 3) there are no questions of working conditions such as risks to health, safety or lack of worker's compensation protection.
- d) Suitable employment must meet the following criteria:
- i) Wages offered must be at least:
- A) the Federal minimum wage;
- B) the State minimum wage; or
- C) \$9.35/hour (if neither the Federal nor State minimum wage is applicable).
- 2) If the wages are offered on a piece-rate basis, the amount the enrolled participant can reasonably be expected to earn must equal the wages as outlined in Section 112.72(1)(4)(A).
- 3) The enrolled participant may not be required as a condition of employment to join, resign from, or refrain from joining any legitimate labor organization.
- 4) There is no unreasonable degree of risk to the enrolled participant's health and safety.
- 5) The enrolled participant is physically and mentally competent to perform the work.
- 6) The employment must be within reasonable distance of the enrolled participant's residence. Commuting time must not represent more than 25% of the enrolled participant's total time on the job, e.g., no more than two (2) hours commuting time for an eight (8) hour work day.
- e) Enrolled participants who are part-time employed as defined in Section 112.64(d)(1) must:
- i) continue their part-time employment as defined in Section 112.64(d)(1); and
- 2) not reduce their employment (i.e., voluntarily reducing work hours).

(Source: Emergency repeal at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

Section 112.90 Project Advance Sanctions (Repealed)

EMERGENCY

- a) The cash assistance for those enrolled participants and control group members who are eligible for Project Advance who without good cause (see Section 112.91) fail to comply with participation/cooperation requirements and/or participation in a service plan will be sanctioned for a period of not less than one (1) month. An enrolled participant or control group member remain sanctioned until cooperation is demonstrated. An enrolled participant or control group member must

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- social services payments;
 i) failure to comply with the cooperation and participation requirements listed in Sections 112.07 and 112.08; or
 j) failure/refusal to accept child care, transportation, family counseling, or other (applicable only to enrolled participants), social services or employment and training services, such as testing or employment counseling without good cause, thereby precluding or interrupting participation or progress in Project Advance; or
 k) failure to cooperate with the cooperation and participation requirements listed in Sections 112.08 and 112.09;
 2) Sanctioning will result from two of the following instances of non-cooperation with Project Advance:
 A) failure/refusal to attend the call-in meeting reference in Section 112.07 (applicable to enrolled participants and control group members);
 B) failure/refusal to attend the Orientation meeting reference in Section 112.08;
 C) failure/refusal to attend the workshop(s) reference in Section 112.08 (applicable only to enrolled participants);
 (Source: Emergency repeal at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

Section 112.91 Good Cause for Failure to Comply with Project Advance
 (Repealed)
EMERGENCY

- a) If an enrolled participant has good cause for not complying with Project Advance cooperation and participation requirements (see Sections 112.08 and 112.09), financial assistance shall not be discontinued. Examples of good cause include but are not limited to:
 1) death in the immediate family;
 2) illness or incapacity;
 3) court required appearance or temporary incarceration;
 4) breakdown in child care arrangements;
 5) unavailability of otherwise suitable child carer;
 6) breakdown in transportation or lack of reasonably available transportation;
 7) sudden and unexpected emergency;
 8) family crisis;
 9) inclement weather; or
 10) an enrolled participant is fired or is forced to terminate employment, educational, vocational training, or another assigned activity. In this situation, Project Advance staff shall review the cause for termination to determine if good cause exists or if sanction is warranted.
 b) The Project Advance worker will not require an enrolled participant or

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- demonstrate cooperation by complying with the failed requirements (e.g., keeping an appointment, attending classes). Sanctions apply to APBG mothers and adjudicated welfare fathers. Sanction is the forfeit of cash assistance for APBG cases and cash and medical assistance for General Assistance cases (see 09-111-Adm-Code 114.111).
 b) In accordance with 09-111-Adm-Code 102.707, a ten (10) day notice of change shall be sent to the enrolled participant or control group member prior to administering sanction. The sanction period begins on the first day of the payment month immediately following the expiration date of the ten (10) day notice of change and remains in effect at least on (1) month and until the sanctioned enrolled participant or control group member demonstrates compliance with program requirements. Reinstatement of the sanctioned enrolled participant or control group member's benefits shall occur for the payment month following the end of the demonstrated compliance (i.e., the payment month following the month that cooperation is demonstrated). The sanctioned enrolled participant or control group member will be determined to have cooperated if he/she complies with the requirement (see Sections 112.07 thru 112.09) that he/she previously failed/refused to meet.
 c) Sanctioning
 i) Sanctioning will result from one (1) instance of any of the following (applicable only to enrolled participants):
 A) a direct written or verbal refusal by the enrolled participant to participate in the program or activities assigned as part of the agreed upon service plan;
 B) missing during a four week period more than two days of employment, education, training, or other activity assigned as part of the service plan;
 C) refusing to accept a bona fide offer of suitable employment (see Section 112.09 (b) and (c));
 D) voluntarily terminating employment or enrollment in an education, training, or other activity assigned as part of a service plan;
 E) failing to, within seven (7) days from the date of the occurrence, notify Project Advance that participation in employment, training, education or other activity assigned as part of a service plan has been terminated;
 F) failing to, by the end of the second response date indicated, respond as instructed to written first and second notices sent to, left of, given by, Project Advance to the enrolled participant;
 G) failing to, by the end of the seventh (7) day after the date of written request, provide accurate and complete information, documentation, and/or verification to the Project Advance worker;
 H) fraudulent application for receipt or use of Project Advance

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control-group-member-to-document-good-cause--for--noncooperation--with Project--Advance--requirements--unless--evidence--independent--of--the explanation-of-good-cause--casts-doubt-on-the-enrolled-participant's-or control-group-member's-explanation;

- c) No-enrolled-participant-or-control-group-member-shall-be-denied-good cause-solely-on-the-basis-that-he/she-failed-to-notify-the-Department in-advance-of-a-participation-requirement.

- d) In--accordance-with-09-III-Adm-Code-1607-Support-Enforcement-Program staff-will-administer-sanctions-for-persons-failing-to-cooperate--with title-iv-B-child-support-enforcement-requirements.

(Source: Emergency repeal at 21 Ill. Reg. 04203, effective July 1, 1997, for a maximum of 150 days)

Section 112.93 Individuals Exempt From Project Advance (Repealed)

EMERGENCY

An-enrolled-participant-may-be-granted-exemption-from-participation-in-Project Advance-if-that-enrolled-participant:

- a) has-a-temporary-or-chronic-illness-(see-Section-112.71(a)(3));
 b) is--residing-in-a-location-which-is-so-remote-from-the-Project-Advance office-or-service-location--that--the--individual--cannot--effectively participate-in-the-Project-(see-Section-112.71(a)(3));
 c) provides-full-time-care-required-by-another-household-member;
 d) is--employed--30--hours--or-more--per-week-in-unsubsidized-employment (unsubsidized-employment-is-defined-at-Section-112.71(a)(8))--or
 e) is-enrolled-full-time-as-a-volunteer-in-service--to--America--(VISA) volunteer--under--Title--I-of-the-1973-Domestic-Volunteer-Services-Act (42-U.S.C.4951-et-seq.)--and-is-receiving-public-assistance-at-the-time the-individual-joined-VISA;

(Source: Emergency repeal at 21 Ill. Reg. 04204, effective July 1, 1997, for a maximum of 150 days)

Section 112.95 Project Advance Supportive Services (Repealed)

EMERGENCY

Project-Advance-will-provide--social--services--payments--to--assist--enrolled participants--with--costs--for--child--care--transportation--and--supplies--needed--for participation-in-activities--approved-within-the-service-plan--such--as--school vocational-training-or-job-search-(see-Section-112.82);

(Source: Emergency repeal at 21 Ill. Reg. 04205, effective July 1, 1997, for a maximum of 150 days)

SUBPART F--EXCHANGE PROGRAM

Section 112.98 Exchange Program (Repealed)

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EMERGENCY

- a) The--Exchange--Program--develops--employment--opportunities--for--APBG recipients--by--paying--wage--subsidies--to--employers--who--hire--program participants--The-program-is-funded-by-diverting-the-cash-grant--an individual--would--receive--if--not--employed--and--using--the--diverted-grant to-pay-a-wage-subsidy-to-the-employer-who-hires-the-recipient--The goal-of-the-Exchange-Program-is-to-obtain-jobs-for-APBG-recipients-who might-not-be-hired-without-a-subsidy;

- b) Eligible-Participants

- 1) APBG-mandatory--and-volunteer-participants-in-00BS-(see-Sections 112-70-through-112-92)-who-meet-the-selection-criteria-listed-in subsection--(b)(2)--below--are--eligible--to--participate--in--the Exchange-Program--Participation-in-the-program-is-voluntary--An APBG-recipient-who-wants-to-participate-in-the-Exchange-Program must--agree--to--all--provisions-in-this-Section-during-the-time-of participation-in-the-program;

- 2) In-order-to-place-special-emphasis-on-people-who-would-not-be likely--to--obtain--a--job--without-work-supplementation--APBG recipients-must-meet-the-following-criteria--for--selection--to participate-in-the-Exchange-Program:

- A) The-recipient-must-be-the-parent-of-at-least-one-of-the children-in-the-APBG-unit;
 B) The-recipient-must-have-completed--the--00BS--Intensive--Job Search-component--(see-Section-112-78(a))--have-had-a-fail assessment-pursuant-to-Section-112-74--and--been--determined eligible--to--participate--in--other--00BS--components--(see Section-112-78);

- C) The-recipient-must-have-no-income-other-than-APBG-benefits;
 D) The-recipient-must-be-recommended-for-participation-by-the 00BS-worker--The-00BS-worker--will--recommend--for participation-in--the-Exchange-Program--those-Project-Advance participants-who--based-on-their--assessment--under--Section 112-74--are--likely--to--encounter--difficulty-in-obtaining employment--(e.g.,--lack-of-skills--for--which--jobs--are available-in-the-area--lack-of-work-history);

- 3) Nothing-in--this--Section--should--be-constructed-as-providing-any recipient-the-right-to-participate-in-the-program;

- 4) Nothing-in-this-Section-shall-be-constructed-as-requiring-the Department--or--any-contractor--to-provide-employee-status-to-any eligible-individual-to-whom-it-provides-a-job-position-under--the Exchange-program--or--with-respect-to-whom-it-provides-all-or-part of-the-wages-paid-to-such-individual-by-another-entity-under-such program--(42-U.S.C-1614(f));

- 5) Nothing-in--this--Section--shall--be-constructed-as-requiring-the Department-to--provide--that--eligible--individuals--filling--job positions--provided--by--contractors--under--the-Exchange-Program--be provided-employee-status-by-such-entity-during-the-first-13-weeks

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- first--full--month--of--Exchange--Program--wages--
2) Exchange--Program--participants--are--not--eligible--for--the--disregards
to--earned--income--provided--in--Sections--112-141--and--112-143--
3) Participants--grants--are--frozen--beginning--with--the--first--full--
budget--month--which--corresponds--to--the--first--full--month--of--
Exchange--Program--wages--The--grant--amount--to--which--the--
participant--would--otherwise--be--entitled--is--diverted--and--used--in--
whole--or--in--part--to--pay--a--wage--subsidy--to--the--employer--
4) At--the--conclusion--of--the--Exchange--Program--period--participants
will--have--their--grants--determined--using--prospective--budgeting
until--the--first--budget--month--following--placement--which--does--not
include--income--earned--while--participating--in--the--supported
placement--
g) Program--Completion
if--the--participant--continues--employment--after--the--Exchange--Program
period--the--grant--is--determined--using--prospective--budgeting--for--two
full--months--following--termination--of--the--Exchange--Program--placement--
after--which--retrospective--budgeting--is--used--if--the--participant--is--no
longer--eligible--for--APBG--benefits--after--the--Exchange--Program--period--a
determination--of--continued--medical--eligibility--shall--be--made--in--
accordance--with--Sections--112-330--and--112-332--

(Source: Emergency repeal at 21 Ill. Reg. 643, effective July 1, 1997, for a maximum of 150 days)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.101 Unearned Income of Stepparent or Parent

EMERGENCY

- a) In determining eligibility and level of assistance, the following shall be considered:
1) the unearned income of a stepparent of a stepparent child if the stepparent lives with the assistance unit and is not an SSI recipient;
2) the unearned income of a parent of a person under age 18 who is receiving assistance as a parent or dependent child if they are all living in the same household. This provision does not apply if the parent receives SSI.
b) The amount of the total available income of the stepparent or parent under subsection (a) above shall be the income remaining after the following amounts have been deducted:
1) an amount equal to the federal poverty level, as defined in Section 112.155(b), Department's standard of need for a family size taking into account the needs of the stepparent or parent and the needs of individuals residing with the stepparent or parent not included in the assistance unit whom the stepparent or parent claims as federal tax dependents;

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- during which they fill such position (42 U.S.C. 1614(e)(2)).
Benefits--and--Reporting--Requirements--while--participating--in--the
Exchange--Program
1) Participants--in--the--Exchange--Program--are--considered--to--be--APBG
recipients--and--remain--eligible--for--Medical--Assistance--for--the--
duration--of--their--Exchange--Program--participation--Child-care
expenses--will--be--provided--through--JOBS--while--the--participant--is
employed--in--an--Exchange--Program--job--
2) The participant must agree to accept wages from employment which
will be at least an amount which would be earned by working full
time at the prevailing minimum wage, less applicable payroll
taxes, in lieu of the cash grant.
3) Participants are not required to file monthly reports as a
requirement for continuing eligibility. Changes in income from
sources other than the Exchange Program job and/or circumstances
must still be reported within five days of occurrence pursuant to
09-III-Adm-Code-103-50.
4) Wages paid under an Exchange Program shall be considered to be
earned income for purposes of any provision of law (42 U.S.C.
1614(e)(3)).
d) Duration of Program Participation
1) Participants may not exceed a total of nine months in the
Exchange Program subsidized placements regardless of the number
of times an individual becomes an APBG recipient. The period of
a single assignment is dependent upon the terms of the Exchange
Program contract which has been developed with the employer.
Recipients will be informed of the length of the Exchange Program
subsidy period prior to placement.
2) Participants who fail to cooperate with JOBS program requirements
(as defined in Section 112-72) or leave a supported work position
without good cause (as defined in Section 112-80) are removed
from the Exchange Program and become ineligible to participate in
the Exchange Program at any future time. Persons who become
ineligible for the Exchange Program are not sanctioned due to
Exchange Program ineligibility.
e) Contracts with Employers
1) Employers that participate in the Exchange Program must enter
into a written contract with the Department prior to receiving
referrals under the Exchange Program.
2) Employers must be in good standing (i.e., in compliance with all
applicable federal, state, county and local laws, regulations
and ordinances) with the Illinois Department of Revenue, the
Secretary of State and any and all regulatory agencies which have
jurisdiction over their activities.
f) Calculation of the Diverted Grants
1) The level of grant to be diverted is determined on a prospective
basis when a work assignment under the Exchange Program is made.
The effective date of the diverted grant is the first day of the

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- 2) court ordered support obligations of the stepparent or parent; or
- 3) amounts paid by the stepparent or parent to individuals outside the home whom the stepparent or parent claims as federal tax dependents.

(Source: Emergency amendment at 21 Ill. Reg. 0122, effective July 1, 1997, for a maximum of 150 days)

Section 112.110 Exempt Unearned IncomeEMERGENCY

- a) The following unearned income from governmental sources shall be exempt from consideration in determining eligibility and the level of assistance payment:

- 1) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C 2017(b));
- 2) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- 3) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C 4636);
- 4) Any funds distributed per capita to or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134, P.L. 94-114 or P.L. 94-540;
- 5) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 U.S.C 3045 et seq.);
- 6) Any compensation provided to individual volunteers under the Volunteers in Service to America (VISTA) program known as Americorp Vista). Payments made under Americorps State/National programs, funded under the National and Community Service Act of 1993, are not exempt. Stipends or living allowance payments made under this program are considered nonexempt earned income. These payments are subject to the general rules concerning the budgeting of earned income;
- 7) Income received under the provisions of Section 4(c) of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25/4]. This includes both the benefits commonly known as the circuit breaker and additional grants;
- 8) Payments for supporting services or reimbursement for out-of-pocket expenses made to volunteers serving as senior health aides, senior companions, foster grandparents, and persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other programs under Titles II and III, pursuant to Section 418 of P.L. 93-113;
- 9) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Jobs Training Partnership Act;

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- 10) Social Security death benefit expended on a funeral and/or burial;
- 11) The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended (42 U.S.C 1780(b)) and the special food service program for children under the National School Lunch Act, as amended (42 U.S.C 1760);
- 12) Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 U.S.C 1626);
- 13) Payments received under Title I of P.L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C 1989b through 1989b-8);
- 14) Payments received under Title II of P.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C 1989c through 1989c-8);
- 15) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump-sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201;
- 16) Payments received under the Radiation Exposure Compensation Act;
- 17) Federal subsidized housing payments under Section 8 of the Housing and Community Development Act;
- 18) Any adoption subsidy payment or foster care payment received from DCFS or from a state welfare agency of another state are exempt for MAG and MANG. Independent Living Arrangement Payments are not exempt for MAG and MANG;
- 19) Supportive Service payments made by the Job-Opportunities-and-Basic-Skills-Training-(JOBS)-Program-to-any-JOBS-participant (Section 112.82);
- 20) Benefits paid to eligible households under the Low Income Home Energy Assistance Act of 1981 pursuant to Section 2605(f) of P.L. 97-35;
- 21) Disaster relief payments provided by federal, state or local government or a disaster assistance organization;
- 22) Any payment provided by the Department of Mental Health and Developmental Disabilities (DMHDD) under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921;
- 23) GA Emergency Financial Assistance issued through vendor payment. These payments can only be issued once in a twelve-month period to persons who do not currently receive AFDC cash assistance;
- 24) A nonrecurring non-recurring lump-sum sum SSI or SSA payment (for-example-Hebby-Payment) made to an individual in a TANF or AFDC assistance unit. The nonrecurring SSA lump sum is exempt if it is based on disability. The monthly amount, up to the monthly SSI level for one, is exempt. For those individuals not in a TANF or AFDC assistance unit whose income is used to determine TANF or AFDC eligibility for others (for example, stepparents, parents), the lump-sum payment is nonexempt income for the month received;

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- 25) Payments made to individuals because of their status as victims of Nazi persecution pursuant to P.L. 103-286;
- 26) Payments to a member of the Passamquoddy Indian Tribe, the Penobscot Nation of the Houlton Band of the Maliseet Indians pursuant to the Maine Indian Claims Settlement Act of 1980;
- 27) Up to \$2000 per year of income received by individual Indians, which is derived from leases or other uses of individually-owned trust or restricted lands pursuant to Section 13736 of P.L. 103-66; and
- 28) Payments based on disability status are disregarded in an amount up to the Supplemental Security Income (SSI) payment level for one person with no income. This disregard applies to disability benefits from Social Security (including SSI), Railroad Retirement Disability, Department of Veterans Affairs (100% disability only) and Black Lung.
- b) In addition to the above, the following unearned income from non-governmental sources shall be exempt from consideration in determining eligibility and the level of assistance payment:
- 1) Inconsequential income, which is defined as gifts, prizes or other unearned income (excluding those unearned income items referenced in subsections (a)(1) through (a)(25) described in other provisions of the Section) of up to \$50 \$99.99 per person per quarter;
 - 2) The value of home produce which is used for personal consumption;
 - 3) Child support payments made to an assistance unit by the Department which represents the first \$50 or any lesser amount of support collected in a month;
 - 4) Two dollars of every three dollars of excess child support distributed by the child support agency to a family with earnings budgeted. This includes the wage supplementation programs of On-the-Job training, Job Corps, Americorps Vista, and work study.
 - 5) 4) Payments from the principal or trust of a trust fund made to or on behalf of a dependent child when the court orders the money released for a specific purpose other than the income maintenance needs of the child;
 - 6) 5) Earmarked child support payments received by the client for the support of a child not included in the assistance unit; and
 - 7) 6) Cash which is exchanged for purposes of satisfying payment of shelter-related obligations in situations where the assistance unit shares a dwelling unit with another family, individual or individuals. The money is not available to meet the needs of the party who received and disburses the shelter-related payment.

(Source: Emergency amendment at 21 Ill. Reg. 6-8, effective July 1, 1997, for a maximum of 150 days)

Section 112.127 Lump-Sum Lump-Sum Payments

EMERGENCY

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- a) Income received either in the form of a one-time only payment that does not continue on a regular basis or in the form of a retroactive payment for income that continues on a regular basis is considered non-recurring lump-sum lump-sum income (4-e77 a lump-sum lump-sum payment). Examples of non-recurring lump-sum lump-sum income are retroactive social security payments, retroactive unemployment insurance benefits, personal injury settlements, workers compensation injury settlements, lottery winnings, inheritances and insurance settlements.
- b) Any portion of the lump-sum lump-sum payment used to pay for expenses incurred as a result of the lump-sum lump-sum payment shall be exempt from consideration as non-recurring lump-sum lump-sum income as follows:
- 1) Personal Injury Settlement - That portion of a personal injury payment is exempt which is used to pay for:
 - A) necessary costs of litigation or settlement, including attorney's fees;
 - B) the Department's charge (See 89 Ill. Adm. Code Section 102.260);
 - C) medical costs resulting from the injury and paid by the client;
 - D) expenses to repair or replace personal property which was damaged as a result of the injury.
 - 2) Workers' Compensation Payment - That portion of a Workers' Compensation payment is exempt which is used to pay for:
 - A) necessary costs of litigation or settlement, including attorney's fees;
 - B) medical costs resulting from the injury and paid by the client.
 - 3) Insurance Payments
 - A) Insurance Payments - That portion of an insurance payment received due to loss is exempt when used to:
 - i) Repair or replace a lost or damaged resource including but not limited to repair or replacement of home, furniture, or clothing lost or damaged in a fire or flood and repair or replacement of a car as a result of an accident or fire;
 - ii) Pay the funeral, burial or medical expenses of an insured where the client is the beneficiary of the insured's life insurance policy.
 - B) any insurance proceeds not spent or contracted to be spent as specified in subsection (b)(3)(A) of this Section within 60 days of receipt shall be budgeted as non-recurring lump-sum lump-sum income. A payment receipt shall be required as verification of any insurance-related expenses claimed as exempt under subsection (b)(3)(A) of this Section.
 - c) Lump-sum payments that bring a family's countable resources up to the

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asset disregard level for that family's size are not counted in determining eligibility. If the assistance unit receives lump-sum payment income in any month which, together with all other income received, after application of the appropriate income deductions and exemptions of this Part, exceeds the applicable standard of need for that unit size (See 89 Ill. Adm. Code Section 112.110), the assistance unit is ineligible for assistance for a specific period of time. The period of time of ineligibility is the whole number of months the total income received by the assistance unit (minus the deductions and exemptions) would meet the applicable standard of need. Any of this income left over after the above calculation shall be considered as income in the first month following the period of ineligibility.

d) That portion of a lump-sum payment that exceeds the amount that brings the family's countable resources up to the asset disregard level for that family's size are considered as follows:

- 1) If the amount is less than the assistance payment level, the assistance payment for the month following the receipt of the lump-sum payment will be reduced by that amount.
- 2) If the amount is greater than the assistance payment level, the following action will be taken based on the specific amount of the lump-sum payment:
 - A) If the amount is \$1000 or less, the family will be ineligible for one month.
 - B) If the amount is more than \$1000, but less than or equal to \$2000, the family will be ineligible for two months.
 - C) One additional month of ineligibility will be added for each \$1000 increment.

e) The assistance unit may apply to have the ineligibility period caused by receipt of non-recurring lump-sum income shortened. The ineligibility period shall be shortened in the following situations:

- 1) When the non-recurring lump-sum payment or a portion of the payment becomes unavailable to the family because the family incurs a loss due to fire, flood or natural disaster which occurred during the ineligibility period. That amount of the lump-sum payment the client spends or contracts to spend within sixty (60) days of the fire, flood or natural disaster to repair or replace the lost or damaged property shall be deducted from the lump-sum income when recalculating the period of ineligibility.
- 2) When the non-recurring lump-sum payment or a portion of the lump-sum payment becomes unavailable to the client due to payment of medical expenses which were incurred by a family member and paid in a month during the period of ineligibility caused by receipt of a lump-sum payment. Only those expenses which the Department allows toward meeting spenddown (See 89 Ill. Adm. Code Section 140.3) shall be considered allowable medical deductions when recalculating the period of ineligibility. The allowable medical expenses must have

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been incurred and paid during the ineligibility period. A payment receipt shall be required as verification.

- 3) When an individual who is otherwise eligible to be included in the assistance unit joins the assistance unit (e.g., newborn return of a child or an adult) during the period of ineligibility caused by receipt of the lump-sum payment, the increased standard of need for the new assistance unit size (See 89 Ill. Adm. Code 112.110) shall be used to recalculate the remaining period of ineligibility for the entire household.

(Source: Emergency amendment at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

Section 112.128 Protected Income (Repealed)

EMERGENCY

All income and assets of a Supplemental Security Income (SSI) beneficiary shall be protected and shall not be considered available to meet the needs of any APPE applicant or recipient.

(Source: Emergency repeal at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

Section 112.130 Earned Income

EMERGENCY

- a) All currently available income which is not specified as exempt shall be considered in the determination of eligibility and the level of the assistance payment.
- b) Earned income is remuneration acquired through the receipt of salaries or wages for services performed as an employee or profits from an activity in which the individual is self-employed.
- c) In determining eligibility and level of assistance, the following shall be considered:
 - 1) the earned income of a stepparent of an APPE child if the stepparent lives with the assistance unit and is not an SSI recipient;
 - 2) the earned income of a parent of a person under age 18 who is receiving assistance as a parent or dependent child if they are all living in the same household. This provision does not apply if the parent receives SSI.
- d) The amount of the total available income of the stepparent or parent under subsection (c) of this Section above shall be the income remaining after the following amounts have been deducted:
 - 1) As employment expenses, \$90.00 from the gross earned income or income remaining after deducting self-employment business expenses for an employed person (see Section 112.145);
 - 2) An amount equal to the federal poverty level (see Section

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112.155(b)) Department's--Standard--of--Need for a family size taking into account the needs of the stepparent or parent, and the needs of individuals residing with the stepparent or parent not included in the assistance unit whom the stepparent or parent claims or could claim as federal tax dependents;

- 3) Amounts paid by the stepparent or parent for alimony or child support to individuals outside the home;
- 4) Amounts paid by the stepparent or parent to individuals outside the home whom the stepparent or parent claims or who could be claimed as federal tax dependents.

e) Earned income received through the Job Training Partnership Act by all dependent children is exempt for six months each year from comparison to the payment level when determining initial eligibility and to the Federal Poverty Level for recipients. For cases in-Champaign-and-Bake Counties assigned to the Work-Pays Demonstration-Control group-earned income--received-through-the-Job-Training-Partnership-Act-by-all dependent-children-is-exempt-for-six-months-each-year-from-comparison to-105%-of-the-Standard-of-Need.

f) Earned income received through the Job-Training-Partnership-Act-by dependent-children-who-are-full-time-students-or-who-are-part-time students-and-not-employed-full-time-(working-100-hours-or-more-per month)-is-exempt-in-determining-the-APBG-grant-(see-Section-112.140 for-a-definition-of-a-full-time-student-and-part-time-students). Participants-in-Job-Corps-are-considered-students.

g) Earned income received through the Job-Training-Partnership-Act-by dependent-children-who-are-not-students-as-described-in-subsection-(f) above--is-exempt-for-only-six-months-each-year-in-determining-the-APBG grant-

f) Earned income received by all dependent children who--are--full-time students--or--part-time-students--who--are--not-full-time-employed-is exempt-for-six-months-each-year-from-comparison-to-the-payment-level at--initial--application--and--to--the--Federal--Poverty--level--for recipients.

h) For cases in-Champaign-and-Bake-Counties-assigned-to--the--Work--Pays Demonstration--control--group-earned-income-received-by-all-dependent children-who-are-full-time-students-or-part-time-students-who-are--not full-time-employed-is-exempt-for-six-months-each-year-from-comparison to-105%-of-the-Standard-of-Need-

(Source: Emergency amendment at 21 Ill. Reg. 6430, effective July 1, 1997, for a maximum of 150 days)

Section 112.131 Earned Income Tax Credit

EMERGENCY

a) In determining eligibility and level of assistance against the Federal Poverty Level and the payment level, the amount of earned income tax credit which the client receives as advance payment or as a refund of federal income

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taxes shall be exempt.

b) For cases in-Champaign-and-Bake-Counties-assigned-to-the-control-group for--the-Work--Pays--Demonstration--the-amount-of-earned-income-tax credit-which-the-client-receives-as-advance-payment-or-as-a-refund-of federal-income--taxes--shall-be-exempt-in-determining-eligibility-and level-of-assistance-against-the-105%-Standard-of-Need-and-the-payment level-

(Source: Emergency amendment at 21 Ill. Reg. 6430, effective July 1, 1997, for a maximum of 150 days)

Section 112.132 Budgeting Earned Income

EMERGENCY

a) Budgeting is the method by which nonexempt non-exempt income is compared to the applicable payment levels (as contained in Sections 09 fii--Admin--Code 112.252 to 112.254) plus--additional--income maintenance--needs to determine the amount of the monthly assistance payment for the assistance unit.

b) Earned Monthly-earned income of a client is budgeted on the basis of the income which the client is anticipated to receive reports-as-earned-during-the-budget-month.

c) If a recipient has more than one employer or more than one assistance unit member has earned income, the monthly income shall be calculated for both jobs.

(Source: Emergency amendment at 21 Ill. Reg. 6430, effective July 1, 1997, for a maximum of 150 days)

Section 112.133 Budgeting Earned Income of Employed Applicants Employed--On Date-Of-Application-And/Or-Date-Of-Decision

EMERGENCY

a) The earned income received or expected to be received during a thirty day period commencing with the day of application shall be considered in the determination of eligibility.

b) Each employed applicant will be allowed a \$90 deduction from gross earned income. The remainder, plus all other budgetable income, will be compared to the payment level to determine eligibility.

c) If eligible, two-thirds of the client's gross earned income is disregarded. One-third of each individual's gross earnings and all other budgetable income will be deducted from the family's payment level.

d) If the client is eligible, the amount of his or her initial prorated entitlement period (IPE) grant shall be based on the income which the client expects to receive during the IPE period.

e) If the IPE period is less than 60 days, the amount of the first grant shall be based on the income which the client expects to receive

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- d) during the first payment month following the IPB period, if the IPB period is 60 days or more, the amount of the first regular grant shall be based on the income which the client receives or expects to receive during the corresponding budget month.
- e) For the months following the IPB and first regular grant, the amount of the grant shall be based on the amount of income anticipated to be received during the corresponding budget month except income from the budget month is not used when the income is not anticipated to continue for the second regular payment month.

(Source: Emergency amendment at 21 Ill. Reg. 2426, effective July 1, 1997, for a maximum of 150 days)

Section 112.134 Initial Employment

EMERGENCY

- a) When a recipient reports that he has begun employment, a determination of continued eligibility shall be made.
- b) Income which the recipient expects to receive during the payment month shall be considered in the determination of eligibility.
- c) For employed recipients, the gross income will be compared to the federal poverty level to determine continued eligibility.
- d) If the recipient remains eligible, the gross income anticipated to be received during the budget month shall be budgeted for the payment month.
- e) If a recipient fails to report that he has begun to work, a determination of eligibility shall be conducted when the Department learns of the employment. The Department shall also determine at that time whether there has been overpayment in accordance with 89 Ill. Adm. Code 102.100.

(Source: Emergency amendment at 21 Ill. Reg. 2426, effective July 1, 1997, for a maximum of 150 days)

Section 112.137 Termination of Employment

EMERGENCY

If a recipient reports and verifies that employment has ended, income will be budgeted prospectively for the month following the last paycheck received during all budget months will be used to determine the grant in all corresponding payment months. This does not apply to members of the control group for the Income Budgeting Project (see Section 710.50).

(Source: Emergency amendment at 21 Ill. Reg. 2426, effective July 1, 1997, for a maximum of 150 days)

Section 112.140 Exempt Earned Income

EMERGENCY

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The earned income of an individual receiving assistance as a dependent child is exempt. a) The earned income of an individual receiving assistance as a dependent child is exempt if the child is:

- 1) A full-time student in a school (including vocational and technical) college or university approved by the Illinois Office of Education. Full-time is defined as follows:
- A) High School: 25 clock hours per week or enrollment in a secondary education program of training which the school defines as full-time attendance
- B) Vocational or Technical School: 30 clock hours per week when the program involves shop practice, 25 hours per week when the program does not involve shop practice
- C) College or University: 12 semester or quarter hours, or 2) A part-time student who is not employed 100 hours per month or more:
- b) Clients who are employed under "Healthy Start" are eligible to have their earnings from that employment exempted for a period of three consecutive months. Each client is only eligible to have his or her earnings exempted for one three-month period. Earnings received after the one-time-only three consecutive month period has expired are not exempt. The "Healthy Start" Project begins January 1994 and runs through September 1996. September 1996 is the last month in which earnings received under "Healthy Start" can be exempted. Any earnings received after September 1996 are not exempt.

(Source: Emergency amendment at 21 Ill. Reg. 2426, effective July 1, 1997, for a maximum of 150 days)

Section 112.141 Earned Income Exemption

EMERGENCY

- a) At the time of application for assistance, each employed applicant will be allowed a \$90 deduction from earned income. The remainder, plus all other nonexempt income, will be compared to the payment level to determine eligibility.
- b) Employed families who received TANF during the six months prior to application who lost eligibility because of their earnings and child support, and for whom child support payments have ceased, shall receive the exemption in subsection (c) of this Section to determine eligibility.
- c) For employed recipients, the gross income will be compared to the federal poverty level to determine continued eligibility. If eligible, one-third of each individual's earnings and all other nonexempt income will be deducted from the family's payment level. For cases in Champaign and Lake Counties assigned to the Work-Pays control group:

- 1) After the 990-00 disregard for employment expenses is allowed (see Section 112.130), the first \$90 of the combined earned

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- income--of--each--employed-person--excluding-exempt-earned-income
in-Sections-112-131-and-112-140--plus-one-third-of-the-remainder
shall-be-exempt-from-consideration-for-four-consecutive-months.
2) After-the-930-00--plus-one-third--has-been--allowed--for-four
consecutive-months, 930-00 shall-be-exempt--for--an--additional
eight-consecutive-months.
3) Once-the-930-00--plus--one-third-exemption-has-been-allowed-for
four-consecutive-months-and-the-930-00-exemption-has-been-allowed
for-an-additional-eight-consecutive-months,--the--earned--income
deduction-shall-not-be-allowed-again-until-the-individual-has-not
received-cash-assistance-for-12-consecutive-months.
b) For-all-other-cases, two-thirds-of-each-employed-person's-gross-earned
income-shall-be-exempt.

(Source: Emergency amendment at 21 Ill. Reg. 2283, effective July
1, 1997, for a maximum of 150 days)

Section 112.143 Recognized Employment Expenses
EMERGENCY

- a) For earnings from self-employment and rental property, an amount equal
to the expenses directly attributable to producing goods or services
or an amount equal to the expenses of rental shall be deducted from
the income prior to the application of the \$2 for \$3 exemption.

- b) For-cases-in-Champaign-and-Bake-Counties-assigned--to--the--Work--Pays
Demonstration-control-group:
1) For--employment-expenses, 990-00 shall-be-deducted-from-the-gross
earned-income-of-each-employed-individual.
2) The--employment--expense--allowance--is--not--available---to---an
individual-for-any-month-in-the-following-situations:

- A) The-individual-terminated-employment-or-reduced-earned-
income-without-good-cause-(See-Section-112-903(f)(1))--thru
(3)-for-what-constitutes-good-cause)-within-the-period-of-30
days-preceding-such-month-or
B) The-individual-refused-without-good-cause-within-the-period
of-30-days-preceding-such-month--to--accept-employment--in
which--the--individual-was-able-to-engage-and-which-has-been
determined-to-be-a-suitable-available-offer-of-employment
or
C) The-individual-fails-without-good-cause-to-report-income-in
a-timely-manner-or
D) The-individual-voluntarily-requests-APBG--assistance--to--be
terminated--to--avoid--receiving-the-earned-income-exemption
for-four-consecutive-months--(see-Section-112-142).

- b) Day Care
1) Day Care expenses are to be covered as direct payment except as
follows:

- A) For children age 13 and over who do not require child care
because of a physical or psychological condition or because
of court-ordered supervision.
B) When a family which was receiving AFDC and was utilizing the
child care disregard on October 13, 1988 would become

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income--of--each--employed-person--excluding-exempt-earned-income
in-Sections-112-131-and-112-140--plus-one-third-of-the-remainder
shall-be-exempt-from-consideration-for-four-consecutive-months.
2) After-the-930-00--plus-one-third--has-been--allowed--for-four
consecutive-months, 930-00 shall-be-exempt--for--an--additional
eight-consecutive-months.
3) Once-the-930-00--plus--one-third-exemption-has-been-allowed-for
four-consecutive-months-and-the-930-00-exemption-has-been-allowed
for-an-additional-eight-consecutive-months,--the--earned--income
deduction-shall-not-be-allowed-again-until-the-individual-has-not
received-cash-assistance-for-12-consecutive-months.
b) For-all-other-cases, two-thirds-of-each-employed-person's-gross-earned
income-shall-be-exempt.

(Source: Emergency amendment at 21 Ill. Reg. 2283, effective July
1, 1997, for a maximum of 150 days)

Section 112.142 Exclusion from Earned Income Exemption
EMERGENCY

The earned income exemption shall not apply when determining initial
eligibility. If the assistance unit is determined eligible without the earned
income exemption, the two-thirds deduction shall be applied.

- a) For-cases-in-Champaign-and-Bake-Counties-assigned-to-the-Work-Pays
Demonstration-control-group-the-earned--income--exemption-shall-not
apply:

- 1) When-determining-initial-eligibility-unless-the-wage-earner-was
a-member-of-an-assistance-unit-which-received-an-APBG-grant
payment--for--any--one--of--the--four-preceding-months--(\$0-grant
status-because-of-application-of-the-\$10-00-limit-on-payments-is
included-as-receiving-an-APBG-grant).--However,--if-----the
assistance-unit-is-determined-eligible-without-the-earned--income
exemption--the-earned--income--shall-be-recalculated-with--the
earned-income-exemption-applied.

- 2) When-the-earned-income-exemption-has-been-allowed-for---four---(4)
consecutive-months--unless-and-until-the-person-has-not-received
APBG-benefits-for-12-consecutive-months.

- 3) If--any--individual-included-in-the-assistance-unit--other---than-a
dependent-child:

- A) Terminated-employment-or-reduced-earned-income-without--good
cause-within-the-period-of-30-days-preceding-such-month--or
B) Refused-without-good-cause-within-the--period--of--30--days
preceding--such--month--to--accept-employment-in-which-the
individual-was-able-to-engage-and-which-has-been-determined
to--be-a-suitable-available-offer-of-employment--or
C) Fails--without--good-cause--to--report--income--in-a-timely
manner.
4) When-the-person-is-requesting-APBG--after--being---voluntarily

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ineligible for AFDC if the child care were paid directly.

- C) For the care of an incapacitated adult.
- D) At intake, when determining initial eligibility, the child care deduction pertains to verified child care expense for the month of application.
- 2) For cases that are exceptions to direct payment, use the child care deduction. Child care expenses shall be deducted from income up to a maximum of \$200-00 per child for each child under age two (2) and \$175-00 for each child age two (2) or older.
- 3) Direct payment and the child care deduction are not allowed when the child care provider is a responsible relative (see 89 Ill. Adm. Code 103.10(b)) of the child receiving care. Day care payments are not allowed if the child care provider is a step-parent who is providing care to and living with his or her step-children.
- 4) Direct payment for child care expenses shall be made to qualified child care providers in accordance with Section 112.354.
- 5) Eligibility for child care payments (except transitional child care) is limited to the first day of the calendar month prior to the month a request for child care services is made.

(Source: Emergency amendment at 21 Ill. Reg. 21206, effective July 1, 1997, for a maximum of 150 days)

Section 112.144 Income from Work-Study and Training Programs From Work-Study/Training-Program
EMERGENCY

- a) Income--received--from-on-the-job-training-programs-through--WBP--shall be-considered--earned--income--the--earned--income--exemption--and recognized-employment-expenses-shall-be-deducted.
- a)b) Income from college work-study is considered exempt income.
- b) Income from Job Corps is exempt.
- c) Earned income received through the Job Training Partnership Act by all dependent children is exempt for-six--months--each--year--from-comparison to-the-Federal-Poverty-Level.
- d) Earned income received through the Job Training Partnership Act by adults dependent-children-who-are-full-time-students-or-who-are--part time--students--and--not-employed-full-time-(working-100-hours-or-more per-month) is nonexempt exempt-in-determining--the--APBE--grant--(see Section-112-149-for-a-definition-of-"part-time-student"-and-"full-time student").--Participants-in-Job-Corps-are-considered-students.
- e) Earned--income--received--through--the-Job-Training-Partnership-Act-by dependent-children-who-are-not-students-as-described-in-(d)--above--is exempt-for-only-six-months--each--year--in-determining-the-APBE-grant.
- e)f) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Jobs Training Partnership Act is exempt.

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f)g) Earnings, allowances and payment under Title I of the National and Community Service Act of 1990. The exempt programs include Serve American, Higher Education Innovative Projects, American Conservation and Youth Programs and National and Community Service Programs.

(Source: Emergency amendment at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

Section 112.145 Earned Income From Self-Employment
EMERGENCY

- a) Income realized from self-employment shall be considered earned income.
- b) Accurate and complete records shall be kept on all monies received and spent through self-employment. If the individual fails or refuses to maintain complete business records, the family assistance-unit shall be ineligible.
- c) Business expenses shall be verified. The individual shall have full responsibility for proof of any business expense. No deduction shall be allowed for depreciation, obsolescence and/or similar losses in the operation of the business. Gross income from the business shall be turned back into the business only to replace stock actually sold.
- d) The self-employment net income shall be the gross less the value of remaining-after the replacement of stock, and business expenses and the \$90 employment expense have-been-considered. The earned income exemption, if applicable, shall then be computed and deducted from the remaining earned income. Child-care-expenses-shall-be-considered-by direct--payment--except--for--the--exceptions--described--in--Section-112-143(e)(1)--child-care-expenses-for-these-cases-shall-be-deducted from-the-remaining-earned-income.
- e) Self-employment--income--for--those--individuals--who--have--approved self-employment-plans-under-Section-112-797-is-to-be-gross-income-less business--expenses-and-the-\$90-appropriate-employment-expenses-fee Section-112-143)--Business-expenses-shall-be-computed-as--defined--in subsection--(e)----The--earned--income-exemption-if-applicable--shall then-be-computed-and-deducted-from-the-remaining-earned--income----The child--care-expenses-(see-Section-112-143)--shall-then-be-deducted-from the-remaining-earned-income.
- f) For-cases-in-Champaign-and-Bake-Counties-assigned-to-the-control-group for-the-Work--Pays--Demonstration--\$90-00--shall-be-deducted--after considering--the-replacement-of-stock-and-business-expenses-and-before the-applicable-earned-income-exemption.

(Source: Emergency amendment at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

Section 112.147 Income From Rental Property
EMERGENCY

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- a) Income received from rental property owned by a client is considered as earned if the money is produced by the client's services. For example, managing the property or managing the capital investment are ways to qualify rental income as earned. If the client has no specific responsibility for management of the property or the investment the rental does not qualify as earned income.
- b) When determining net income, the reasonable and necessary rental expenses which the client incurs in the production of income may be deducted from the gross income. Reasonable and necessary rental expenses include repairs, taxes, insurance, and utilities if the landlord pays them.
- c) If a client is responsible for cleaning a room and providing clean linens, the income which he receives shall be considered earned income from a roomer rather than earned income from rental property.
- d) For cases in Champaign and Lake Counties assigned to the control group for the Work-Pays demonstration after deduction of rental expenses, the \$90.00 employment expense as specified in Section 112-1437 shall be deducted.
- d) The earned income exemption, if applicable, as specified in Section 112-141, shall be deducted.
- f) Child-care expenses shall be covered by direct payment except for the exceptions described in Section 112-1437(f)(1). Child-care expenses for these cases shall be deducted from the remaining earned income.

(Source: Emergency amendment at 21 Ill. Reg. 0099, effective July 1, 1997, for a maximum of 150 days)

Section 112.150 Assets

EMERGENCY

- a) The value of nonexempt non-exempt assets shall be considered in determining eligibility for an assistance payment.
- b) The entire equity value of a jointly-held liquid asset or the client's proportional share of a jointly-held non-liquid asset shall be considered in determining eligibility for an assistance payment, unless:
- 1) the asset is a joint income tax refund; or
 - 2) the client can document the amount of his or her legal interest in the asset, and that such amount is less than the entire value of the asset, the documented amount shall be considered. Appropriate documentation, may include, but is not limited to, bank documents, trust documents, signature cards, divorce papers, or court orders; or
 - 3) the asset is held jointly with a client or clients client(s) of any Illinois Department of Public Aid assistance program other than food stamps Food Stamps; or
 - 4) the client documents that he or she does not have access to the asset. Appropriate documentation may include but

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- is not limited to, bank documents, trust documents, signature cards, divorce papers, or court orders; or
- 5) the client documents that the asset or a portion of the asset is not owned by the client and the client's accessibility to the asset is changed (See subsections (b)(2) and (4) of this Section above for documentation examples of documentation); or
- 6) the co-owner refuses to make the asset available; or
- 7) the co-owner has engaged in violent activity against a family member in the past.
- c) Income tax refunds shall be considered available assets and are to be considered against the appropriate non-exempt asset limitation of the assistance unit. One-half of joint tax refunds shall be considered available for each payee. A client who declares that less than one-half of the joint income tax was received may claim an exception. Only the amount claimed to be received shall be considered.
- d) Trust Fund for the Benefit of a Dependent Child
- 1) When trust fund exists for the benefit of a dependent child living in the home of the caretaker relative and the amount of the trust fund by itself or combined with other nonexempt assets of the assistance unit exceeds the asset disregard, the caretaker relative shall be allowed forty-five (45) days to petition the court for release of the funds. When someone other than the caretaker relative is the trustee of the trust fund, the caretaker relative is responsible for taking action within forty-five (45) days of the Department's becoming aware of the existence of the trust fund to petition the court to order the trustee to release the funds. The child for whom the trust fund was established shall remain in the assistance unit for the forty-five (45) days.
- 2) When the trust fund combined with other nonexempt assets of the assistance unit does not exceed the asset disregard, petitioning the court for release of the funds is not required.
- 3) A dependent child living with a blood-related sibling must be included in the assistance unit. The amount of the trust fund shall be considered a nonexempt asset available to meet the needs of the entire assistance unit if the amount of the trust fund and other nonexempt assets exceeds the asset disregard eligibility does not exist. The case remains eligible for assistance for the forty-five (45) day period the caretaker relative is allowed to petition the court for release of the funds.
- 4) In cases where the child is not a blood-related sibling of a dependent child from whom APBG is requested or received, the entire amount of the trust fund shall be considered available to meet the child's needs only. When the amount of the trust fund and other nonexempt assets exceeds the asset disregard eligibility no longer exists for the child. When the child with the trust fund is the only child in the assistance unit,

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eligibility for APPE no longer exists:

- 5) At the end of forty five (45) days, if the caretaker relative does not provide verification that the caretaker relative has petitioned the court the amount of the trust fund shall be considered a nonexempt asset available to the assistance unit and is applied to the asset disregard of the assistance unit--if the child is a blood-related sibling of a dependent child included in the assistance unit--For cases where the child is not a blood-related sibling of a dependent child included in the assistance unit, the eligibility of all other members of the assistance unit is not affected unless the child with the trust fund is the only child in the assistance unit--or
- B) Provides verification that the caretaker has petitioned the court and a court denies the request for release of the funds--the amount of the trust fund shall be considered an exempt asset for the assistance unit--or
- E) Provides verification the court will release the funds for the child--the released amount(s) shall be considered as follows:
- i) When the petition and court order direct the money be used for the child's income maintenance or do not specify a purpose--payments shall be budgeted as nonexempt--unearned income--if the child is a blood related sibling of a child included in the assistance unit--the child is included in the assistance unit and the income from the trust is budgeted against the assistance unit--if the child is not a blood-related sibling of a dependent child--included in the assistance unit, the caretaker relative may choose to delete the child from the assistance unit--the income shall be considered to meet the child's needs only.
- ii) When the petition and court order direct the money be used for the child's income maintenance or do not specify a purpose--a one-time-only release of the money shall be considered an asset subject to the asset disregard if the child with the trust fund is included with a blood-related sibling who is a dependent child included in the assistance unit--if the child is not a blood-related sibling of a dependent child included in the assistance unit, the caretaker relative may choose to delete the child from the case--the other assistance unit members shall remain eligible.
- iii) When the petition and court order direct the money be used for a specific purpose other than the income maintenance needs of the child--the money shall be considered exempt and does not affect eligibility or

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- B) Provides verification--the court was petitioned--but a decision was not made--assistance shall be continued for the child and a control for thirty (30) days established.
- d) An applicant or recipient applicant/recipient can appeal the Department's decision relating to consideration of assets in accordance with 89 Ill. Adm. Code 1042-Subpart-A.

(Source: Emergency amendment at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

Section 112.151 Exempt Assets

EMERGENCY

- a) The following assets are exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:
- 1) A home which is the usual residence of the assistance unit.
 - 2) Clothing, personal effects and household furnishings.
 - 3) One automobile per assistance unit if the equity value does not exceed \$1500.
 - 4) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C 2011 et seq.).
 - 5) The value of the U.S. Department of Agriculture donated foods (surplus commodities).
 - 6) The value of supplemental food assistance received under the Child Nutrition Act of 1966 (42 U.S.C 1771 et seq.) as amended, and the special food service program for children under the National School Lunch Act (42 U.S.C 1751 et seq.)--as amended.
 - 7) The principal and interest of a trust fund which, upon petition, the court refuses to release and one-time only payments released for a specific purpose other than income maintenance needs of the child.
 - 8) Burial spaces and additions or improvements to a burial space plots.
 - 9) Prepaid Funeral Agreements worth \$1500 or less per person.
 - 10) Donations or benefits from fund raisers held for a seriously ill client provided the client or a responsible relative of the client does not have control (that is, not available to the client or the responsible relative) over the donations or benefits or the disbursement of the donations or benefits.
 - 11) A nonrecurring lump-sum SSA payment based on the individual's disability and (for example) feeblety--Payment made to that individual in a TANF or APPE assistance unit is exempt as an asset for the month of receipt and the following month. For the third month, any remainder must be counted as a nonexempt asset.
 - 12) The value of any savings in which the money is accumulated from the earning of a child. The interest is also exempt as well as gifts to the child not exceeding \$50 per quarter.

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- 13 The value of micro-equipment and inventory needed for a functioning self-employment enterprise or being held in accordance with a Responsibility and Services Plan for the establishment of a self-employment enterprise.
- 14 Funds held in Individual Development Accounts meeting the requirements of Section 404(h) of the Social Security Act.
- b) In addition to the above, the following assets are exempt. The assets listed in this subsection (b) remain exempt only as long as they can be separately identified if they are added to an existing account. If the amount of combined assets at any time, from the time of the receipt of the exempt asset or assets until the date of the eligibility determination or redetermination, fall below the amount of the exempted assets, only the lowest balance remains exempt.
- 1) The assets of a stepparent for purposes of determining the stepchild's eligibility.
 - 2) Any benefits received under Title VII, Nutrition Program for the Elderly of the Older Americans Act of 1965 (42 U.S.C. 3045 et seq.), as amended.
 - 3) Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).
 - 4) Any payments distributed per capita or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134 or P.L. 94-540.
 - 5) Tax-exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).
 - 6) Federally subsidized housing payments under Section 8 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.)--effective--January--17--1975, of the U.S. Housing Act of 1937--as-amended.
 - 7) Effective October 17, 1975, receipts distributed to certain Indian Tribal members of marginal land held by the United States government.
 - 8) Payments for supporting services or reimbursement for out-of-pocket expenses made to volunteers serving as senior health aides, senior companions, foster grandparents, and persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other programs under Titles II and III, pursuant to Section 418 of P.L. 93-113.
 - 9) Any grant or loan to an undergraduate student for educational purposes made or insured under any programs administered by the Commissioner of Education.
 - 10) For those individuals who have approved self-employment plans under Section 112.78, business assets must be separate from personal assets. Business assets are those assets that are directly related to producing goods and services that have been purchased after the business begins or as part of an approved self-employment plan (see Section 112.78). Business assets are

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considered exempt unless it is determined that the equity value (the value for which the asset can be sold less any amount owned on the asset) exceeds \$1,000. If the assets are determined to exceed \$1,000 but are less than \$5,000, the case is to be referred to the Bureau of AFDC JOBS Administration for review to ensure that the assets in excess of \$1,000 are appropriate as business assets. A determination of business assets will be completed two years after the plan is approved.

- 11) Any payments received under Title I of P.L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b through 1989b-8).
- 12) Any payment received under Title II of P.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c through 1989c-8).
- 13) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump-sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201.
- 14) Payments made by the Illinois Department of Mental Health and Developmental Disabilities under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921.
- 15) Assets accumulated from income earned through employment under the federal "Health Start" Project.
- 16) Disaster relief payments provided by federal, state or local government or a disaster assistance organization.
- 17) Earmarked child support payments received by a client for the support of a child not included in the assistance unit.
- 18) Payments received under the Radiation Exposure Compensation Act.
- 19) Payments made to individuals because of their status as victims of Nazi persecution pursuant to P.L. 103-286.

(Source: Emergency amendment at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

Section 112.152 Asset Disregards

EMERGENCY

In addition to the exempt assets listed in Section 112.151, the Department disregards up to \$2000 of equity value of other resources for a one-person family and up to \$3000 of equity value of other resources for a two-person family. The asset disregard increases \$50 for each additional person (for example, \$3050 for a three-person family and \$3100 for a four-person family). Except for participants in the Homeless-Families-Support-Project--(see--Section 170-307)--in--addition--to--the--exempt--assets--listed--in--Section--112-151--the Department--disregards--\$17,000-00-equity-value-of-other-resources--

(Source: Emergency amendment at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

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Section 112.155 AFBE Income Limit

EMERGENCY

- a) For cases in-Champaign-and-Lake-Counties-assigned-to-the-control-group of-the-Work-Pays-Demonstration-if-an-APBE-unit's-total-available monthly-income-before-applying-any-deductions-or-exemptions, including-all-earned-and-unearned-income-and-all-income-available from-a-stepparent-exceeds-10%-of-the-Standard-of-Need-for-a-family of-that-size-the-APBE-unit-is-ineligible-for-assistance notwithstanding-any-other-provisions-in-this-Rule; b) If For-all-other cases-if at application a an-APBE unit's total available monthly income before applying any deductions or exemptions, except for a \$90.00 deduction from gross earnings, exceeds the payment level for a family of that size, the APBE unit is ineligible for assistance.
- b)c) For families receiving TANF APBE, if the unit's total available monthly income before applying any deductions or exemptions including all earned and unearned income exceeds the Federal Poverty Level for a family of that size, the APBE unit is ineligible for assistance. The Department of Health and Human Services (HHS) poverty guidelines will be used as the poverty level. When the HHS poverty guidelines for all states are published for a year-the Department will implement those amounts-effective-October-1-that-same-calendar-year.

(Source: Emergency amendment at 21 Ill. Reg. 0426, effective July 1, 1997, for a maximum of 150 days)

SUBPART H: PAYMENT AMOUNTS

Section 112.250 Grant Levels

EMERGENCY

- a) The amount of a recipient unit's grant is the unit's appropriate payment level minus that unit's nonexempt non-exempt income.
- b) If the amount of a an-APBE recipient unit's grant, as determined under the appropriate provisions of the APBE program, would be greater than \$0 but less than \$10.00, the recipient unit is not eligible to receive a grant. However, such recipient units shall be eligible for medical assistance or social services as if they were receiving a grant.
- c) If the amount of a an-APBE recipient unit's grant, as determined under the appropriate provisions of the APBE program, is not a whole dollar amount, the amount of the grant shall be rounded down to the next whole dollar amount.

(Source: Emergency amendment at 21 Ill. Reg. 0426, effective July 1, 1997, for a maximum of 150 days)

SUBPART H: PAYMENT AMOUNTS

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Section 112.251 Payment Levels in AFBE

EMERGENCY

- a) The Payment Levels for-APBE are flat, monthly standard amounts. The amount for an assistance unit is based on three variables:
 1) the the number in the assistance unit except as specified in subsection (b) below;
 2) the the presence or absence of an adult in the assistance unit;
 3) the the grouping of the county in which the assistance unit lives.
- b) Effective January 1, 1996, cash assistance will not increase solely because of the birth of a child to any member of the assistance unit. The cash assistance shall be capped at the pre-birth payment level. This-demonstration-will-be-tested-in-selected-local-offices-designated as-research-sites---Cases-in-the-research-sites-will-be-assigned-to experimental-and-control-groups---Cases-assigned-to-the-experimental groups-shall-be-subject-to-the-Family-Accountability-Demonstration provisions- Medicaid coverage, food stamps and child care are not included in the cap.
- 1) Cash assistance will not increase due to the birth of a child to any member of the assistance unit if an assistance unit fails to comply with the eligibility requirements or an assistance unit voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months.
- 2) An increase in the payment level due to the birth of a child to any member of the assistance unit is allowed if:
 A) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy;
 B) for cases active as of January 1, 1996, the birth occurs within ten months after the date of implementation (by October 31, 1996);
 C) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any reapplication;
 D) the child was born while the parent or caretaker relative was on cash assistance, the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months;
 E) the child was born as a result of incest or forcible rape based on the statement of the woman which is corroborated by a third party; or
 F) the child (including all children in the case of multiple births) was born to a minor included in the an-APBE grant who became a first-time minor parent.

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- c) The assistance unit may receive a general increase in the amount of aid that is provided to all recipients.
 d) All rounding in determining payment levels is done by rounding down to the next whole dollar amount.

(Source: Emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days)

Section 112.252 Payment Levels in AFDC Group I Counties

EMERGENCY

- a) The following Payment Levels are established for the AFDC-Program in Group I Counties.
 b) The counties included in Group I are:

Boone	Kane	Ogle
Champaign	Kankakee	Whiteside
Cook	Kendall	Winnebago
DeKalb	Lake	Woodford
DuPage	McHenry	

SIZE OF ASSIS- TANCE UNIT	CARETAKER OR RELATIVES RELATIVE(S) AND CHILD OR CHILDREN CHIEB(REN)	CHILD OR CHILDREN CHIEB(REN) ONLY
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CURRENT

1	212	102
2	278	201
3	377	249
4	414	319
5	485	379
6	545	407
7	574	438
8	604	469
9	635	503
10	669	538
11	705	576
12	741	614
13	781	
14	822	
15	866	
16	911	
17	959	
18	1010	

- c) For family sizes greater than 18 with a caretaker relative or

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relatives or--12, the amount of the payment level shall be determined by adding \$50-00-or-\$38-00-respectively for each person above 18 or 12.

- d) For family sizes greater than 12 with children only, the amount of the payment level shall be determined by adding \$38 for each person above 12.
 d) As the legislature has determined that payments under the APBC program should contain amounts for the purpose of energy assistance and has directed that such amounts be established by rule the first \$18 of the APBC Payment level for Caretaker-Relatives and Children has been designated as being for the purpose of energy assistance.
 e) Effective January 1, 1996, cash assistance will not increase solely because of the birth of a child to any member of the assistance unit. The cash assistance shall be capped at the pre-birth payment level. This demonstration will be tested in selected local offices designated as research sites. Cases in the research sites will be assigned to experimental and control groups. Cases assigned to the experimental groups shall be subject to the Family Accountability Demonstration provisions. Medicaid coverage, food stamps and child care are not included in the cap.
 i) Cash assistance will not increase due to the birth of a child to any member of the assistance unit if an assistance unit fails to comply with eligibility requirements or an assistance unit voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months.
 2) An increase in the payment level due to the birth of a child to any member of the assistance unit is allowed if:
 A) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy.
 B) for cases active as of January 1, 1996, the birth occurs within ten months after the date of implementation (by October 31, 1996).
 e) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any reapportionment.
 B) the child was born while the parent or caretaker relative was on cash assistance the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months.
 B) the child was born as a result of incest or forcible rape based on the statement of the woman which is corroborated by a third party or
 P) the child (including all children in the case of multiple births) was born to a minor included in an APBC grant who became a first-time minor parent.

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- f) The assistance unit may receive a general increase in the amount of aid that is provided to all recipients.

(Source: Emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days)

Section 112.253 Payment Levels in APBE Group II Counties

EMERGENCY

- a) The following Payment Levels are established for the APBE Program in Group II Counties.
b) The counties included in APBE Group II are:

Adams	Iroquois	Madison	Rock Island
Bureau	Jackson	McDonough	Sangamon
Carroll	JO Daviess	McLean	St. Clair
Clinton	Coles	Mercer	Stephenson
DeWitt	LaSalle	Tazewell	Vermillion
Douglas	Lee	Monroe	Warren
Effingham	Livingston	Moultrie	Will
Ford	Logan	Peoria	Putnam
Fulton	Macon	Piatt	
Grundy	Henry	Macoupin	

SIZE OF ASSIS- TANCE UNIT	CARETAKER RELATIVE OR RELATIVES RECIPIENT(S) AND CHILD OR CHILDREN RECIPIENT(S)	CHILD OR CHILDREN RECIPIENT(S) ONLY
CURRENT	CURRENT	

1	204	97
2	269	194
3	365	242
4	403	311
5	471	369
6	529	397
7	557	427
8	588	459
9	619	491
10	651	525
11	685	561
12	721	599
13	760	
14	799	
15	841	

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- 16 886
17 934
18 982
- c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$48-00 or \$30-00 respectively for each person above 18 or 12.
- d) As the legislature has determined that payments under the APBE program should contain amounts for the purpose of energy assistance, and has directed that such amounts be established by rule, the first \$18 of the APBE Payment Level for Caretaker-Relatives and Children has been designated as being for the purpose of energy assistance.
- e) Effective January 1, 1997, cash assistance will not increase solely because of the birth of a child to any member of the assistance unit. This demonstration will be tested in selected local offices designated as research sites. Cases in the research sites will be assigned to experimental and control groups. Cases assigned to the experimental groups shall be subject to the Family Accountability Demonstration provisions. Medicaid coverage, food stamps and child care are not included in the cap.
- f) Cash assistance will not increase due to the birth of a child to any member of the assistance unit if an assistance unit fails to comply with eligibility requirements or an assistance unit voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months.
- g) An increase in the payment level due to the birth of a child to any member of the assistance unit is allowed if:
- A) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy;
- B) for cases active as of January 1, 1997, the birth occurs within ten months after the date of implementation (by October 31, 1997);
- C) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any reapportionment;
- D) the child was born while the parent or caretaker relative was on cash assistance; the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off-cash assistance for nine payment months;
- E) the child was born as a result of incest or forcible rape based on the statement of the woman which is corroborated by a third party; or
- F) the child (including all children in the case of multiple births) was born to a minor included in an APBE grant who became a first-time minor parent.

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f) The assistance unit may receive a general increase in the amount of aid that is provided to all recipients.

(Source: Emergency amendment at 21 Ill. Reg. 0426, effective July 1, 1997, for a maximum of 150 days)

Section 112.254 Payment Levels in APBE Group III Counties

EMERGENCY

a) The following Payment Levels are established for the APBE Program in Group III Counties.

b) The counties included in Group III are:

Alexander	Fayette	Lawrence	Richland
Bond	Franklin	Marion	Saline
Brown	Gallatin	Marshall	Schuyler
Calhoun	Greene	Mason	Scott
Cass	Hamilton	Massac	Shelby
Christian	Hancock	Menard	Stark
Clark	Hardin	Montgomery	Union
Clay	Henderson	Perry	Washington
Crawford	Jasper	Pike	Wayne
Cumberland	Jefferson	Pope	White
Edgar	Jersey	Pulaski	Williamson
Edwards	Johnson	Randolph	

SIZE OF

ASSIS-

TANCE

UNIT

CARETAKER RELATIVE

OR RELATIVES

RELATIVE(S) AND

CHILD OR CHILDREN

CHILD(REN)

CHILD(REN)

CURRENT

CURRENT

CURRENT

CURRENT

CURRENT

CURRENT

CURRENT

CURRENT

CURRENT

CURRENT

CURRENT

CURRENT

CURRENT

CURRENT

CURRENT

CURRENT

CURRENT

CURRENT

CURRENT

CURRENT

CURRENT

CURRENT

CURRENT

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15 812

16 855

17 900

18 948

c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$48.00 or \$36.00 respectively for each person above 18 or 12.

d) As the legislature has determined that payments under the APBE program should contain amounts for the purpose of energy assistance and has directed that such amounts be established by rule, the first \$18 of the APBE payment level for Caretaker Relatives and Children has been designated as being for the purpose of energy assistance.

e) Effective January 1, 1996, cash assistance will not increase solely because of the birth of a child to any member of the assistance unit. The cash assistance shall be capped at the pre-birth payment level. This demonstration will be tested in selected local offices designated as research sites. Cases in the research sites will be assigned to experimental and control groups. Cases assigned to the experimental groups shall be subject to the Family Accountability Demonstration provisions. Medicaid coverage, food stamps and child care are not included in the cap.

1) Cash assistance will not increase due to the birth of a child to any member of the assistance unit if an assistance unit fails to comply with eligibility requirements or an assistance unit voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months.

2) An increase in the payment level due to the birth of a child to any member of the assistance unit is allowed if:

A) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy,

B) for cases active as of January 1, 1996, the birth occurs within ten months after the date of implementation (by October 31, 1996),

C) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any reapportionment.

B) the child was born while the parent or caretaker relative was on cash assistance; the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months.

B) the child was born as a result of incest or forcible rape based on the statement of the woman which is corroborated by a third party, or

F) the child (including all children in the case of multiple births) was born to a minor included in an APBE grant who

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- f) ~~the assistance unit may receive a general increase in the amount of aid that is provided to all recipients.~~
 became a first-time minor parent.

(Source: Emergency amendment at 21 Ill. Reg. 0423, effective July 1, 1997, for a maximum of 150 days)

SUBPART I: OTHER PROVISIONS

Section 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States
EMERGENCY

If an applicant has moved to Illinois from another state and received financial assistance in that state under a program that is equivalent to the Illinois TANF program during any of the twelve months immediately preceding the date the applicant's current Illinois residency began, during the first twelve months that the applicant resides in Illinois the applicant is eligible to receive assistance in an amount no greater than the amount of comparable assistance received from the other state.

(Source: Emergency added at 21 Ill. Reg. 0423, effective July 1, 1997, for a maximum of 150 days)

Section 112.300 Persons Who May Be Included in the Assistance Unit
EMERGENCY

- a) The assistance unit must include at least one eligible child. No more than two of the following individuals may also be included as adults:
- 1) the parent or parents of an eligible child; or No more than two of the following individuals may also be included as adults:
 - A) the caretaker relative;
 - B) the parent of an eligible child;
 - C) the spouse of the caretaker relative; or
 - D) A needy relative other than the caretaker relative whose presence is essential in the home to provide care for the eligible children.
 - 2) the caretaker relative and the spouse of the caretaker relative, if residing in the home. An individual is defined as needy if the individual's income minus employment deductions, if appropriate, is less than a "per person" grant amount (that is, payment level divided by the number in the assistance unit, including the essential person);
 - b) In order for an assistance unit to be eligible, an application for with respect to a dependent child must also include, if living in the same household and otherwise eligible for assistance:

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- 1) any legal parent of the dependent child; and
 2) any blood-related or adoptive brother or sister of the dependent child.
- e) ~~The eligibility of a child in an assistance unit depends on that child's lack of parental support or care.~~
 c) All eligible dependent children who are blood-related or adoptive siblings in a family unit shall be included in one case.
 d) Two cases shall be established with the same caretaker relative only as follows:

1) The caretaker, his or her own children, the children's eligible siblings and other parent for an essential person shall be in one assistance unit.

2) Other related children and their eligible parent or parents and siblings shall be in a second assistance unit.

d) A pregnant woman and her spouse (if living together), who would be eligible for TANF APBE when the child is born, may receive assistance as an adult or adults adult only. Financial assistance is limited to the last four months of pregnancy.

f) When an unmarried pregnant woman who is receiving or is eligible to receive cash assistance as a dependent child in a TANF an-APBE case and the child's legal father is not present, the woman is not eligible for cash assistance as an adult adult only pregnant woman.

g) The caretaker relative or relatives of a child receiving SSI Foster Care Assistance or Adoption Assistance who would otherwise be eligible for TANF APBE may receive assistance as an adult adult only case.

h) A child on Foster Care Assistance (except Independent Living) and the foster child's own child or children are not eligible for TANF APBE cash assistance.

(Source: Emergency amendment at 21 Ill. Reg. 0423, effective July 1, 1997, for a maximum of 150 days)

Section 112.302 Monthly Reporting Requirements for Clients with Earnings

- a) All assistance units which contain a member who is employed or who has lost employment within the last three months must submit a written completed report form to the Department quarterly. The information to be reported will be regarding the assistance unit's income, assets, family composition and other factors pertinent to eligibility for the budget month and any changes in these factors which the unit expects to occur in the current month or in future months.
- b) All units which must report quarterly shall have benefits calculated for three months by considering income and attendant circumstances on a prospective basis.
- c) Earnings shall be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for a three-month period.

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- d) Clients who experience a decrease in income below the amount anticipated may be eligible for a supplemental payment. A supplemental payment must be requested in writing. Eligibility for a supplemental payment may exist if the gross earned (minus self-employment business expenses, if any) and unearned income (including the assistance payment) received from all sources for the payment month is less than the payment level for an assistance unit of comparable size. If these conditions are met, the amount of supplemental payment the client is eligible to receive, if any, is determined by adding the gross earned income (minus self-employment business expenses and the two-thirds earned income deduction) and the gross unearned income (including the assistance payment) received in the payment month. This amount is subtracted from the payment level for an assistance unit of comparable size. If the difference is \$10 or more, the client is eligible for a supplemental payment. The supplemental payment for which the client is eligible is the amount of the difference.
- e) Clients who experience an increase in income above the amount anticipated will not be referred for an overpayment based on the increased income.
- f) At intake, actual amount of income received in the Initial Prorated Entitlement (IPE) period will be used to determine the IPE amount. The first regular roll payment amount will be computed using income averaging.
- g) When the completed quarterly report is received, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. If the grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived.
- h) If the Department does not receive the quarterly report or receives only an incomplete report, cash assistance may be terminated. The Department must send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed report on time. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested on or before the date of change or within ten calendar days after the date of notice, whichever is later, assistance will be reinstated to the level of the prior month.
- i) If a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the entire three-month period will be determined. If eligible, all the applicable earned income disbursements will be allowed for the entire three-month period.
- j) If a completed report form is received after the last calendar day of

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the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the month of receipt and the third month, if applicable, will be determined. Eligibility for a cash payment for the first payment month of the three-month period shall not exist. The client will be allowed all the applicable earned income disbursements for those months for which is determined. All caretaker relatives who are required to file quarterly reports will be notified of their responsibility, receive a complete explanation of the requirements and be informed of the due date for the first report.

- a) Information reported and groups reporting:
- 1) Each assistance unit in the following groups must submit monthly a written completed report form to the Department on
 - A) income, assets, family composition and other factors pertinent to APBE eligibility for the budget month; and
 - B) any changes in these factors which the unit expects to occur in the current or future months.
 - 2) The groups which must report monthly are:
 - A) Families earning income;
 - B) Families who are receiving unemployment insurance benefits; and
 - C) Families who have lost employment within the last three months.
 - b) All APBE units which must report monthly shall have benefits calculated by considering income and attendant circumstances (such as employment expenses and day care expenses) on a retrospective basis. When the completed monthly report is received on time, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. If the APBE grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived. The client will have ten days from the mail date of the notice to request a hearing in order to receive reinstatement.
 - d) If the Department does not receive the monthly report or receives only an incomplete report, APBE may be terminated. The Department must send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed monthly report on time. If the client files a completed report within ten days of the date of this notice, the replacement form will be accepted and an APBE payment will be made if the information on the form indicates the family is still eligible. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested on or before the date of change or within ten calendar days after the date of notice, whichever is later, assistance will be reinstated to the level of the prior month.

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- e) the notice, assistance is reinstated to the level of the prior month. When the completed report is received later if the family is found ineligible or eligible for a grant less than that of the prior month the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested within ten days, assistance is reinstated to the level of the prior month.
- f) If a completed monthly report is received but not on a timely basis and the client has earnings, the Department will provide the client with the opportunity to show good cause for not filing the report timely. In order to be timely, a report must be received or postmarked by the fifth day of the fiscal month following the budget month. A fiscal month is a month that starts with a given day in one calendar month and ends with the day before the same given day in the next calendar month. If good cause exists the applicable earned income disregard will be applied to earnings if appropriate. Child care expenses will be covered by direct payment except for the exceptions described in Section 112.43(c)(1). For these exceptions to direct payment, the applicable earned income disregard for child care expenses will be applied to earnings if appropriate. If good cause does not exist, the earned income and child care disregards are not applied. However, clients whose child care expenses are met through direct payment remain eligible for those payments. Good cause exists if circumstances beyond the reasonable control of the client prevented the timely submittal of a completed monthly report. Factors to be considered in determining whether good cause exists include, but are not limited to, the following:
- 1) Did the client have an opportunity to submit the report on time?
 - 2) Does the client have a history of submitting his/her monthly report on time?
 - 3) Is there any reason to doubt the client's claim of good cause (i.e., repeated claims of good cause)?
- g) The Department will notify all caretaker relatives of their responsibility to promptly report expected changes in income, resources, and other factors relevant to APBE eligibility and payment amount. All APBE caretaker relatives will be informed of the penalty of loss of income disregards if initial earnings are not promptly reported or the completed required monthly report is not filed timely. All APBE caretaker relatives will be informed of what constitutes prompt reporting of expected changes and what constitutes timely submission of monthly reports.
- h) All APBE caretaker relatives who are required to file monthly reports will be notified of their responsibility to receive a complete explanation of the requirements and be informed of the due date for the first report.

(Source: Emergency amendment at 21 Ill. Reg. 029, effective July 1, 1997, for a maximum of 150 days)

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Section 112.303 Retrospective Budgeting

- a) All APBE recipients shall have income and attendant circumstances budgeted on a retrospective basis, except those who are required to report quarterly under Section 112.302 whether or not they must report monthly, except those participating in the income budgeting project and the quarterly reporting failure to report employment demonstration project (see 09-III-Adm-Code-170:50 and 170:300).
- b) Eligibility for APBE is first determined on a prospective basis for all eligibility factors. If eligible on this prospective basis, the actual amount of benefits the unit is entitled to receive shall be determined by budgeting income and attendant circumstances retrospectively. For participants in the income budgeting project earnings shall be budgeted prospectively for the first two months and retrospectively thereafter. At intake, however, income and attendant circumstances shall be budgeted prospectively for two months before beginning retrospective budgeting in the third month. For recipients who are required to report quarterly under Section 112.302, participants in the quarterly reporting failure to report employment demonstration project budgeting shall be done prospectively.
- c) The budget month is the fiscal month from which the Department uses income and attendant circumstances to determine the amount of assistance the unit is entitled to receive. The payment month is the fiscal month which the assistance grant covers. The payment month is the second fiscal month following the budget month.
- d) When a recipient whose assistance is discontinued reapplies for the same fiscal month assistance was discontinued, the recipient's income is budgeted retrospectively as if no interruption in assistance occurred. This does not apply to participants in the income budgeting project whose cases are cancelled in the first two payment months of initial employment. This also does not apply to clients in the quarterly reporting failure to report employment demonstration project (see 09-III-Adm-Code-170:300).

(Source: Emergency amendment at 21 Ill. Reg. 029, effective July 1, 1997, for a maximum of 150 days)

Section 112.304 Budgeting Schedule
EMERGENCY

- a) The budget month and payment month for each APBE case are determined by the schedule the unit is in. The schedule also governs the approximate issuance mailing date of the assistance payment.
- b) The following schedules have been established:

SCHEDULE NUMBER	BUDGET MONTH AND PAYMENT MONTH DATES
00	1st through last day of Calendar Month

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- 01 1st through last Day of Calendar Month
 02 1st through last Day of Calendar Month
 03 1st through last Day of Calendar Month
 04 7th through 6th Day of Calendar Month
 05 10th through 9th Day of Calendar Month
 06 14th through 13th Day of Calendar Month
 07 17th through 16th Day of Calendar Month
 08 20th through 19th Day of Calendar Month
 09 22nd through 21st Day of Calendar Month
- b) The above table applies to all APPE-units whether or not they report monthly, and the assistance grant is mailed at or near the beginning of the payment month.

(Source: Emergency amendment at 21 Ill. Reg. 242.9, effective July 1, 1997, for a maximum of 150 days)

Section 112.305 Strikers

EMERGENCY

- a) Definition
 1) A striker is anyone directly involved in:
 A) a strike;
 B) a work stoppage planned by employees, including a work stoppage because a contract expired;
 C) a slowdown planned by employees;
 D) other interruption of operations planned by employees.
- 2) An individual who has been or is on strike at any time during a fiscal month is considered a striker for the fiscal month.
- b) A person not directly involved in a strike who cannot work due to the strike or who is afraid to cross the picket line because of threats of injury or vandalism is not a striker (for example, a member of a non-striking union or a non-union member who cannot work due to a strike is not a striker). However, a sympathy striker is a striker.
- c) An employee affected by a lockout is not a striker.
- d) A family with a parent on strike, a caretaker relative on strike, or a child on strike shall be ineligible except for the following situations:
 1) the striking person was exempt from work requirements on the day before the strike began (see Section 112.71 to determine if the person was exempt); or
 2) if the striking person was not exempt from work requirements, the family must have been either receiving TANF or eligible to receive TANF on the day before the strike began.
- e) Eligibility and level of benefits for a striker's family are determined using the family's income and assets as they were on the day before the strike began. If eligible on the day before the strike, eligibility and level of benefits are determined by using the greater of the striker's pre-strike income or current income plus the non-striking household member's current income.

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Persons participating in a strike on the last day of the month are not eligible for APPE assistance if a parent living in the home is on strike the entire assistance unit is ineligible. Non-responsible relatives and dependent children who are on strike are ineligible.

(Source: Emergency amendment at 21 Ill. Reg. 242.9, effective July 1, 1997, for a maximum of 150 days)

Section 112.307 Responsibility of Sponsors of Non-Citizen Immigrants Aliens

EMERGENCY

- a) This Section applies to all non-citizen immigrants aliens except the following:
 1) persons paroled under Section 212(d)(5) of the Immigration and Nationality Act (INA) for at least one year and who entered the United States before August 23, 1996 into the United States as refugees;
 2) persons granted asylum by the U.S. Attorney General;
 3) persons admitted as Cuban or Haitian Entrants;
 4) persons admitted by application before April 1, 1980, under Section 203 (a)(7) of the INA Immigration and Naturalization Act; and
 5) persons meeting the veteran and active duty exemptions specified in Section 402(a)(2)(C) of PRWORA;
 6) persons admitted by application after March 31, 1980 under Section 207(c) of the INA Immigration and Naturalization Act; and
 7) persons whose deportation is being withheld under Section 243(h) of the INA.
- b) Certain amounts of the income and assets of a sponsor of a non-citizen immigrant alien and the sponsor's spouse, if they live together, are deemed to be available unearned income of the individual non-citizen immigrant alien applying for or receiving assistance if:
 1) the sponsor signed an affidavit of support or a similar agreement assuring the non-citizen immigrant alien will not become a public charge;
 2) the alien has been a resident of the U.S. for less than three (3) years
 2)3) the sponsor is not a recipient of TANF APPE or SSI;
 3)4) the non-citizen immigrant alien is not a child or spouse of the sponsor.
- c) A sponsor is an individual, private organization or agency or public organization or agency.
- d) The spouse's income and assets will be counted even if the sponsor and spouse married after the agreement was signed.
- e) The sponsor, if found able to support the non-citizen immigrant alien, wholly or partially parttally, is liable for the needs of the

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individual immigrant alien only. The sponsor is not responsible for the needs of the spouse or child or children child(ren) of the non-citizen immigrant alien if he or she he/she did not sponsor them.

f) If two or more non-citizens aliens applying for assistance are sponsored by the same sponsor, the income of the sponsor deemed available is divided equally among the non-citizens aliens.

g) The sponsor's income and assets available to meet the needs of the non-citizen immigrant alien are determined in the following manner:

- 1) Determination of Available Income
 - A) Disregard 20 percent %, not to exceed \$175-00, of the earned income of the sponsor or of the sponsor and sponsor's spouse, if they live together. This includes net earnings from self-employment, allowing business expenses incurred in the production of self-employment income.
 - B) Add the unearned income of the sponsor and spouse, if they live together.
 - C) Deduct the appropriate federal poverty level, as defined in Section 112.155(b), APPE-Standard-of-Need for the size of the sponsor's family unit. This includes the sponsor and other individuals living with the sponsor who are claimed as federal tax dependents. If the sponsor-lives-out-of-state use-group-i-standard-of-need.
 - D) Deduct any amount paid to individuals outside the home whom the sponsor claims as federal tax dependents.
 - E) Subtract any alimony or child support paid to individuals not living with the sponsor.
 - 2) Income remaining is applied to the needs need of the immigrant alien.
 - 3) Determination of Sponsor's Assets

The asset disregard for a sponsor of an immigrant alien is \$1500-00. The same assets are exempt as for a TANF an-APPE case as provided in Section 112.151.

- h) If nonexempt non-exempt assets are more than the \$1500 disregard, the amount over the disregard shall be considered as available to the immigrant alien.

(Source: Emergency amendment at 21 Ill. Reg. 0100, effective July 1, 1997, for a maximum of 150 days)

Section 112.308 Special Needs Authorizations (Repealed)

EMERGENCY

The Department will include the special-needs-listed-in--subsections--(e)--(d) and--(e) of this Section when determining initial and continued eligibility for APPE--if the APPE-unit is determined-eligible (or-presumptively-eligible)--for an-assistance-payment-additional-payment-or-payments-will-be-authorized-upon request-of-the-client-and-verification-of--provision-of--the--service--in--the following-circumstances:

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- a) A--student-who-is-a-junior-or-senior-in-high-school-and-is-included-in the-assistance-unit-as-an-eligible-child--The-allowance-is-\$15-00-per quarter-payable-three-times-a-year.
- b) A-therapeutic-diet-allowance-is-required-for-an-eligible-recipient-who is-diabetic-and-the-diet-is-prescribed-by-a-physician--The--amounts are:

- 1) Children-----\$17-02-per-month
 - 2) Adults-less-than-1700-calories-----\$7-92-per-month
 - 3) Adults-1700-calories-or-more-----\$17-02-per-month
- c) Correction-of-an-underpayment.
- d) A-change-in-mating-date-of-the-regular-warrant-creates-a--period-of unmet-need.
- e) \$75-per-month-for-each-child-under-Department-of-Children--and--Family Services--guardianship--who-lives-with-a-specified-relative-provided the-child-has-no-parent-in-the-home.

(Source: Emergency repeal at 21 Ill. Reg. 0400, effective July 1, 1997, for a maximum of 150 days)

Section 112.320 Redetermination of Eligibility

EMERGENCY

- a) It is the Department's responsibility to determine the continued eligibility of all recipients of assistance and it is the recipient's responsibility to cooperate in the redetermination of eligibility. A redetermination of eligibility shall be conducted consistent with the Responsibility and Services Plan on an as needed basis but at least once in a 12-month twelve-(12)-month period. Once once in a 12-month twelve-(12)-month period there shall be a redetermination of eligibility and revision of the Responsibility and Services Plan with the client who meeting-at-which-the-recipient must be present. Failure to cooperate in the redetermination of eligibility process, without good cause, will result in ineligibility for--APPE. Examples of good cause include, but are not limited to:

- 1) death in the family;
- 2) illness or incapacity of the client or his or her child or children child(ren);
- 3) family crisis;
- 4) unexpected emergency;
- 5) breakdown in transportation;
- 6) inclement weather; or
- 7) if the client is employed, a conflict in the client's work schedule, or
- 8) a conflicting court and/or administrative hearing appearance.

- b) When information of a change in a client's circumstances is received by the local office and the review and redetermination redetermination/review process results in a decision that a client is eligible for an increased amount of financial assistance, the

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- a) A four (4) month extension of medical assistance shall be provided for TANF APBE cases when assistance is terminated due to increased collection of support payments under the IV-D Program.
- b) A family must have been receiving TANF or AFDC for at least three (3) of the six (6) months immediately before the month of ineligibility.

(Source: Emergency amendment at 21 Ill. Reg. 0428, effective July 1, 1997, for a maximum of 150 days)

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Department shall mail the increased amount of assistance payment no later than 45 calendar days from the date that the local office initially received the information.

- c) When a delay in the verification of the change in circumstances is caused cause by the client, the 45 calendar day period may be extended by one day for each day of delay by the client.
- d) When the client fails to provide the required verification or verifications verifications or fails to cooperate in the review and redetermination process redetermination/review-of-eligibility, the 45 calendar day limitation is not applicable. 0428

(Source: Emergency amendment at 21 Ill. Reg. 0428, effective July 1, 1997, for a maximum of 150 days)

Section 112.330 Extension of Medical Assistance Due to Increased Income from Employment

- a) A six-month extension of medical assistance shall be provided ~~for APBE cases when TANF APBE~~ assistance is terminated due to increased hours or increased income from employment. This extension shall begin with the APBE case's first month of ineligibility. Ineligibility may result from initial or increased earnings.
- b) Except for those APBE cases in the Homeless Families Support Project, the initial six-month medical assistance period can be extended for a total of six additional months. Eligibility for an extension beyond the initial six-month period shall exist if:
- 1) the Medical Extension Report Forms are returned by the due date;
 - 2) an eligible child is still in the home;
 - 3) the client's earnings from the past three months minus child care costs are less than 185% of the poverty line ~~except--for--those APBE cases in the Homeless Families Support Project; and~~
 - 4) the client has not quit employment without good cause.
- c) An extension of medical assistance shall be provided for Refugee cases when:

- 1) a cash case is terminated due to new or increased earnings from employment; or
 - 2) a medical assistance only case would be placed in spend-down status due to new or increased earnings from employment.
- d) For Refugee cases, the medical assistance shall be extended by a period of four months or until the refugee reaches the end of his or her time-eligibility period of refugee assistance, whichever is less.

(Source: Emergency amendment at 21 Ill. Reg. 0428, effective July 1, 1997, for a maximum of 150 days)

Section 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections

EMERGENCY

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- 1) Heading of the Part: Assistance Standards
- 2) Code Citation: 89 Ill. Adm. Code 111
- 3) Section Numbers: Emergency Action:
 - 111.1, 111.10, 111.20, Repeal
 - 111.30, 111.40, 111.50, Repeal
 - 111.60, 111.70, 111.80, Repeal
 - 111.90, 111.101, 111.110 Repeal
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193)
- 5) Effective Date of Amendments: July 1, 1997
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: July 1, 1997
- 8) Reason for Emergency: These emergency amendments are necessary to comply with the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) which changed the way income support is provided to families in the United States. Each state is responsible for developing a plan to provide help for needy families. In Illinois, the program will be called Temporary Assistance for Needy Families or TANF.

TANF will replace the Aid to Families with Dependent Children (AFDC) program beginning July 1, 1997. These emergency amendments are necessary to implement TANF effective July 1, 1997. 305 ILCS 5/12-13.05, as added by Section 10 of Public Act 90-17, allows the use of emergency rulemaking to implement these changes.

- 9) Complete Description of the Subjects and Issues Involved: Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and

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reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for tens of thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These emergency amendments repeal the Assistance Standards in connection with TANF.

- 10) Are there any Proposed Amendments pending to this Part? No
- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.
- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Judy Umunna
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-0081

The full text of the Emergency Amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

amended at 18 Ill. Reg. 7009, effective April 27, 1994; amended at 19 Ill. Reg. 2886, effective February 24, 1995; amended at 20 Ill. Reg. 1191, effective January 5, 1996; amended at 21 Ill. Reg. 2226, effective February 1, 1997; emergency amendment at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days.

Section 111.1 Incorporation By Reference (Repealed)
EMERGENCY

Any rules or regulations of an agency of the United States or of a nationally recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

(Source: Emergency repeal at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

Section 111.10 Establishment of Assistance Standards (Repealed)
EMERGENCY

- a) The Department shall establish two sets of assistance standards (one containing no medical cost component, except for nonprescription drugs and medical supplies commonly found in recipients' medicine chests, reflecting the fact that medical needs are met by the Department's medical program; the other containing a valuation of medical needs) to be used during the following year, both of which will provide for a livelihood compatible with health and well-being. The set of standards which does not take into account medical need shall be the standard used for reporting purposes to the United States Department of Health and Human Services and shall be used when expressing payment levels as a percentage of the standard. These assistance standards shall apply to all income-maintenance programs. The standards shall be based upon the following items of need selected from the 1972-1973 Consumer Expenditure Survey (CEX) conducted by the Bureau of Labor Statistics, U.S. Department of Labor (unless otherwise indicated by national data used):
 - 1) Food (excluding meals as pay)
 - 2) Rented dwellings (Based on Northcentral Region CEX data)
 - 3) Utilities (including telephone except long distance) (Based on Northcentral Region CEX data for families of 1-5 persons)
 - 4) Household supplies
 - 5) Furniture and equipment (except items provided by other programs)
 - 6) Clothing
 - 7) Dry-cleaning, laundry, material and services
 - 8) Personal care
 - 9) Transportation (vehicle operations and public transportation excluding trips)
- b)

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 111
ASSISTANCE STANDARDS

Section 111.1 Incorporation By Reference (Repealed)

111.10 Establishment of Assistance Standards (Repealed)

111.20 Computation of the Assistance Standards (Repealed)

111.30 Amount of Assistance Standards (Family of 1) (Repealed)

111.40 Amount of Assistance Standards (Family of 2) (Repealed)

111.50 Amount of Assistance Standards (Family of 3) (Repealed)

111.60 Amount of Assistance Standards (Family of 4) (Repealed)

111.70 Amount of Assistance Standards (Family of 5) (Repealed)

111.80 Amount of Assistance Standards (Family of 6) (Repealed)

111.90 Amount of Assistance Standards (Family of 7 thru 18) (Repealed)

111.100 Amount of Assistance Standards (Child-Only Cases) (Repealed)

111.101 Current Assistance Standards (Repealed)

111.110 Adjustments Following Court Orders (Repealed)

AUTHORITY: Implementing Articles III, IV and VI and authorized by Sections 12-4.11 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-4.11 and 12-13].

SOURCE: Filed and effective December 30, 1977; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended at 8 Ill. Reg. 223, effective December 27, 1983; amended at 9 Ill. Reg. 295, effective January 1, 1985; amended at 10 Ill. Reg. 1920, effective January 17, 1986; amended at 11 Ill. Reg. 2297, effective January 16, 1987; amended at 12 Ill. Reg. 871, effective January 1, 1988; amended at 13 Ill. Reg. 85, effective January 1, 1989; amended at 13 Ill. Reg. 3840, effective March 10, 1989; amended at 15 Ill. Reg. 1029, effective January 23, 1991; amended at 16 Ill. Reg. 11577, effective July 15, 1992; amended at 17 Ill. Reg. 3213, effective March 1, 1993; amended at 18 Ill. Reg. 2029, effective January 21, 1994;

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- 187 Other-recreation-expenses-
117 Checks,-deposit-boxes-and-banking-fees-
127 Nonprescription-drugs-and-medical-supplies-
e7 For-the-second-set-of-standards-that-which-reflects-medical-needs-7
e-13th-component-for-medical-needs-will-also-be-utilized-

(Source: Emergency repeal at 21 Ill. Reg. 8575, effective July 1, 1997, for a maximum of 150 days)

Section 111.20 Computation of the Assistance Standards (Repealed)

EMERGENCY

The-computation-of-the-Assistance-Standards-shall-be-made-as-follows:

- a7 A-determination-shall-be-made-from-the-CEX-of-the-expenditures-for each-of-the-above-listed-need-items-by-families-in-the-lowest quartile-of-income-Separate-determinations-shall-be-made-for families-of-one-through-six-persons-
b7 Such-expenditures-shall-be-updated-by-the-Implicit-Price-Deflator-for Personal-Consumption-Expenditures-(IPB)-to-account-for-changes-in prices-and-consumption-patterns-between-the-time-of-the-survey-and December-1979-
c7 Such-expenditures-shall-be-updated-to-the-first-day-of-June-1983-by use-of-the-most-recently-published-subindices-of-the-Consumer-Price Index-for-All-Urban-Consumers-(CPI-U)-which-pertain-to-such expenditures-taking-into-account-projected-increases-in-the-CEX-U components-as-forecast-by-nationally-recognized-economic-forecasting firms-such-as-Chase-Econometrics-and-Data-Resources-
d7 Using-the-cost-of-the-U-S-Department-of-Agriculture's-(USDA) Thrifty-Food-Plan-as-a-basis,-a-valuation-in-dollars-of-the-cost-of the-standard-shall-be-made,-based-upon-the-ratio-between-the projected-cost-of-food-in-the-CEX-and-the-projected-total-CEX-costs in-the-standard-

FOOD-COST-COMPONENT

OP-CEX

=====

TOTAL-CEX-COST

The-calculation-of-the-standard-is:

STANDARD	(Cost-of	7
FOR	(Thrifty	7
FAMILY	(Food-Plan	7
OP-ONE	(for-family	7
FO-SIX	(of-n	7
PERSONS	(persons	7

- e7 The-above-shall-be-used-for-Group-I-counties-(see-09-111-Adm-Code 112.251,-112.252,-and-112.253-for-County-designations)-

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Determinations-for-such-amounts-in-the-Group-II-and-Group-III-counties shall-be-made-by-a-similar-methodology,-except-that-the-shelter component-of-the-updated-CEX-shall-be-diminished-by-the-percentage difference-in-shelter-costs-between-Group-I-and-Group-II-and-Group-III-counties,-respectively-These-housing-cost-differences-shall-be based-upon-the-Department's-records-of-the-housing-costs-(rent-plus utilities)-of-Aid-to-Families-with-Dependent-Children/Food-Stamp (APBG/Food-Stamp) recipients-

- f7 Standards-for-families-larger-than-six-persons-shall-be-adjusted-to take-into-account-the-economies-of-scale-recognized-by-the-U-S- Department-of-Agriculture-(USDA)-The-cost-of-the-Thrifty-Food-Plan for-such-sized-family-shall-be-divided-by-the-product-of:

17 the-percentage-increase-in-the-cost-of-Thrifty-Food-Plan-for succeeding-family-size

27 the-USDA-economies-of-scale-factor-for-families-larger-than-six persons,-times-the-percentage-spent-for-food-in-the-budget-of the-smaller-size-family-

- g7 Effective-January-17-1985,-except-for-APBG-Families-of-1-Adult,-the Assistance-Standards-will-be-updated-by-taking-the-current-Assistance Standards-and-applying-the-CEX-U-less-medical-care-for-the-twelve month-period-ending-with-June-of-the-previous-year-The-Assistance Standards-effective-January-17-1984-through-December-31-1984,-both excluding-medical-care-and-including-medical-care-shall-be-retained-in Sections-111.30-111.98-Updated,-current-Assistance-Standards7 excluding-medical-care-shall-be-contained-in-Section-111.181-These rules-contain-detailed-methodology-on-how-all-Assistance-Standards were-determined-

- h7 Effective-January-17-1985,-a-separate-Assistance-Standard-is established-under-the-APBG-program-for-Families-of-1-Adult-in-all three-County-groupings-to-take-into-account-the-fact-that-under-APBG7 Families-of-1-Adult-will-contain-children-in-the-household-After initially-being-established-January-17-1985,-this-Assistance-Standard shall-be-updated-in-accordance-with-the-methodology-described-in-(g7 above-

- i7 Effective-January-17-1987,-Assistance-Standards-for-cases-in-which-no adult-member-is-included-(child-only)-will-be-derived-from-the standards-in-which-an-adult-is-included-by-reducing-the-standard-for the-next-higher-family-size-in-which-an-adult-is-included-by-an-amount equal-to-the-standard-for-a-family-size-of-one-(1)-in-which-an-adult is-included-In-this-process,-the-standard-for-a-family-size-of-one (1)-in-programs-other-APBG-will-be-used-because-that-standard-more accurately-reflects-the-needs-of-an-adult-with-no-children-For example,-the-standard-for-a-child-only-case-of-two-(2)-will-be determined-by-taking-the-standard-for-a-family-size-of-three-(3)-with adults-and-subtracting-the-amount-of-the-standard-for-one-(1)-adult for-programs-other-than-APBG-The-child-only-Standards-will-be updated-each-January-17

- j7 Effective-April-17-1994,-the-Assistance-Standards-for-families-of-2

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FOOD	\$17359-73
HOUSEHOLD-OPERATIONS	145-40
FURNITURE	72-21
CLOTHING	257-90
CLEANING-AND-MAINTENANCE	132-20
PERSONAL-CARE	140-17
TRANSPORTATION	507-91
RECREATION	7-92
MISCELLANEOUS	11-94
MEDICINE-CHRGST	61-59
SUBTOTAL	\$27696-97

GROUP-I	\$17094-56
RENT	539-01
UTILITIES	\$27696-97
SUBTOTAL	
TOTAL	\$57130-54
GROUP-II	
RENT-&	\$17241-91
UTILITIES	996-97
SUBTOTAL	27696-97
TOTAL	\$47935-05

GROUP-III	
RENT-&	\$924-53
UTILITIES	17071-00
SUBTOTAL	27696-97
TOTAL	\$47692-50

2) Medical-care-included-as-a-need-item:	
GROUP-I	GROUP-II
\$57130-54	\$47935-05
SUBTOTAL	554-02
TOTAL	554-02

GROUP-III	
RENT-&	\$57604-56
UTILITIES	\$57409-07
SUBTOTAL	\$57246-52
TOTAL	

b) Calculation-as-specified-in-Section-(b)-(4)-of-standards-----based-on
above-consumption-figures-({----}):

and--3--in-which-an-audit-is-included-will-be-increased-in-addition-to
the-increase-effective-January-1-1994,-under--subsection--(g)--above--
the-amounts-effective-April-1-1994,-will-be-as-follows:

	Group-I	Group-II	Group-III
2	674	652	623
3	915	805	847

(Source: Emergency repeal at 21 Ill. Reg. _____, effective July 1,
1997, for a maximum of 150 days)

Section 111.30 Amount of Assistance Standards (Family of 1) (Repealed)
EMERGENCY

a) Consumption-figures-(updated-CHX-costs)-for-family-of-1-adult:
1) Medical-care-not-counted-as-a-need-item-because-such-needs-are
met-by-the-Department's-medical-program:

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STANDARD FOR FAMILY	† Cost-of Thrifty	†	† Updated-CBX-total	†
OP-ONE	† Food-Plan	†	† Cost-for-family	†
OP-SIX	† for-family	†	† of-nu-persons	†
PERSONS	† of-nu	†	=====	
	† Persons	†	† Updated-CBX-food	†
			† Cost-for-family	†
			† of-nu-persons	†

STANDARD-FOR FAMILY-OF-1-ADULT
 \$57130-54
 \$76-X--\$206-76
 \$17359-73

STANDARD-EXCLUDING MEDICAL	GROUP-I	GROUP-II	GROUP-III
STANDARD-INCLUDING MEDICAL	\$206	\$275	\$262
	\$317	\$306	\$293

(Source: Emergency repeal at 21 Ill. Reg. 0075, effective July 1, 1997, for a maximum of 150 days)

Section 111.40 Amount of Assistance Standards (Family of 2) (Repealed)
EMERGENCY

- a) Consumption-figures-(updated-CBX-costs)-for-family-of-2-
 † Medical-care-not-counted-as-a-need-item.

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POOR	\$27273-09
HOUSEHOLD-OPERATIONS	210-64
FURNITURE	106-10
CLOTHING	332-16
CLEANING-AND-LAUNDRY	136-05
PERSONAL-CARE	189-54
TRANSPORTATION	034-29
RECREATION	14-72
MISCELLANEOUS	11-23
MEDICINE-CHEST	90-77
SUBTOTAL	\$47206-67

GROUP-I	\$27550-74
RENT	801-13
UTILS-	\$47206-67
SUBTOTAL	

TOTAL \$77550-54

GROUP-II	\$17710-54
RENT-6	17373-10
UTILS-	47206-67
SUBTOTAL	

TOTAL \$77290-39

GROUP-III	\$17273-48
RENT-6	17475-13
UTILS-	
SUBTOTAL	47206-67

TOTAL \$67955-20

2) Medical-care-included-as-a-need-item:

GROUP-I	GROUP-II	GROUP-III
TOTAL-ABOVE	\$77290-39	\$67955-20
MEDICAL-CARE	999-05	999-05
TOTAL	\$07557-59	\$07809-44
	Cost-of-Thrifty-Food-Plan-for-family-of-2--\$1397	
		\$77954-25

STANDARD-EXCLUDING MEDICAL	GROUP-I	GROUP-II	GROUP-III
STANDARD-INCLUDING MEDICAL	\$462	\$445	\$425
	\$523	\$507	\$486

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(Source: Emergency repeal at 21 Ill. Reg. 0575-17 effective July 1, 1997, for a maximum of 150 days)

Section 111.50 Amount of Assistance Standards (Family of 3) (Repealed)
EMERGENCY

a) Consumption-figures-(updated-CHX-costs)-for-family-of-3:

1) Medical-care-not-counted-as-a-need-item:

FOOD	\$2,633-05
HOUSEHOLD-OPERATIONS	248-58
FURNITURE	126-08
CLOTHING	526-45
CLEANING-AND-LAUNDRY	214-28
PERSONAL-CARE	284-06
TRANSPORTATION	871-23
RECREATION	29-84
MISCELLANEOUS	9-92
MEDICINE-CHEST	46-23
SUBTOTAL	\$4,989-56

GROUP-I

RENT	\$2,637-77
UTILS-	827-69
SUBTOTAL	\$4,989-56

TOTAL

GROUP-II	\$8,375-82
RENT-6	\$1,768-51
UTILS-	17419-71
SUBTOTAL	47,989-56

TOTAL

\$8,097-78

GROUP-III

RENT-6	\$1,7316-55
UTILS-	17525-13

SUBTOTAL

47,989-56

TOTAL

\$7,751-24

2) Medical-care-included-as-a-need-item:

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TOTAL-ABOVE	GROUP-I	GROUP-II	GROUP-III
	\$8,375-82	\$8,097-78	\$7,751-24

MEDICAL-CARE	739-98	739-98	739-98
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TOTAL	\$9,115-80	\$8,837-76	\$8,491-22
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b) Cost-of-Thrift-Food-Plan-for-Family-of-3--\$199

GROUP-I	GROUP-II	GROUP-III
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STANDARD-EXCLUDING

MEDICAL

STANDARD-INCLUDING

MEDICAL

\$632 \$611 \$585

\$688 \$668 \$641

(Source: Emergency repeal at 21 Ill. Reg. 0575, effective July 1, 1997, for a maximum of 150 days)

Section 111.60 Amount of Assistance Standards (Family of 4) (Repealed)
EMERGENCY

a) Consumption-figures-(updated-CHX-costs)-for-family-of-4:

1) Medical-care-not-counted-as-a-need-item:

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FOOD	\$97142-55
HOUSEHOLD-OPERATIONS	903-81
FURNITURE	155-02
CLOTHING	668-76
CLEANING-AND-LAUNDRY	236-65
PERSONAL-CARE	275-65
TRANSPORTATION	922-24
RECREATION	48-58
MISCELLANEOUS	11-55
MEDICINE-CHEST	53-02
SUBTOTAL	\$57800-63
GROUP-I	
RENT	\$27248-64
UTILS-	813-39
SUBTOTAL	\$57800-63
TOTAL	\$87862-66
GROUP-II	
RENT	\$17562-63
UTILS-	17254-44
SUBTOTAL	57800-63
TOTAL	\$87617-70
GROUP-III	
RENT-&	\$17163-28
UTILS-	17347-50
SUBTOTAL	57800-63
TOTAL	\$87311-49

2) Medical-care-included-as-a-need-item:

GROUP-I	GROUP-IX	GROUP-III
\$97662-66	\$87617-70	\$87311-49
TOTAL-ABOVE	728-37	728-37
MEDICAL-CARE		
TOTAL-WITH		
MEDICAL	\$97591-03	\$97346-07
Cost-of-Thrift-Food-Plan-for-family-of-4-as-\$253-		\$97039-86

STANDARD-EXCLUDING	GROUP-I	GROUP-IX	GROUP-III
MEDICAL	\$713	\$693	\$669
STANDARD-INCLUDING	\$772	\$752	\$727
MEDICAL			

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(Source: Emergency repeal at 21 Ill. Reg. 9535- , effective July 1, 1997, for a maximum of 150 days)

Section 111.70 Amount of Assistance Standards (Family of 5) (Repealed)

EMERGENCY

- a) Consumption-figures-(updated-EBX-costs)-for-family-of-5:
- 1) Medical-care-not-counted-as-a-need-item:

FOOD	\$37378-02
HOUSEHOLD-OPERATIONS	415-48
FURNITURE	93-95
CLOTHING	733-76
CLEANING-AND-LAUNDRY	233-67
PERSONAL-CARE	230-52
TRANSPORTATION	884-31
RECREATION	36-65
MISCELLANEOUS	10-52
MEDICINE-CHEST	73-13
SUBTOTAL	\$67800-01

GROUP-I	
RENT	\$27363-49
UTILS-	988-27
SUBTOTAL	\$67800-01

TOTAL	\$97361-77
GROUP-II	
RENT	\$17715-59
UTILS-	17377-23
SUBTOTAL	67800-01

TOTAL	\$97892-83
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GROUP-III	
RENT	\$17277-15
UTILS-	17479-49
SUBTOTAL	67800-01

TOTAL	\$87756-65
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- 2) Medical-care-included-as-a-need-item:

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GROUP-I	GROUP-II	GROUP-III
\$97361-77	\$97092-03	\$97756-65
TOTAL-ABOVE		
559-90	559-90	559-90
MEDICAL-CARE		
TOTAL-WITH		
MEDICAL	\$97921-67	\$97652-73
		\$97316-55

b) Cost-of-Thriftly-Pood-plan-for-family-of-5-a-\$901-

GROUP-I	GROUP-II	GROUP-III
\$934	\$910	\$700
STANDARD-EXCUBING		
MEDICAL	\$883	\$830

(Source: Emergency repeal at 21 Ill. Reg. 3575, effective July 1, 1997, for a maximum of 150 days)

Section 111.80 Amount of Assistance Standards (Family of 6) (Repealed)

EMERGENCY

a) Consumption-figures-(updated-GBX-costs)-for-family-of-6:

1) Medical-care-not-counted-as-a-need-item:

FOOD	\$37986-60
HOUSEHOLD-OPERATIONS	480-10
FURNITURE	126-36
CLOTHING	715-00
CLEANING-AND-BAUNDRY	194-69
PERSONAL-CARE	294-75
TRANSPORTATION	967-96
RECREATION	33-45
MISCELLANEOUS	5-07
MEDICINE-CHEST	87-42
SUBTOTAL	\$67021-16

GROUP-I	
RENT	\$27247-74
UTILS-	17272-76
SUBTOTAL	\$67021-16

GROUP-II	
RENT	\$107341-66
UTILS-	\$17796-60
SUBTOTAL	17442-26
	67021-16
TOTAL	\$107060-02

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GROUP-III	
RENT	\$17337-46
UTILS-	17549-35

SUBTOTAL 67021-16

TOTAL \$97707-97

2) Medical-care-included-as-a-need-item:

GROUP-I	GROUP-II	GROUP-III
\$107341-66	\$107060-02	\$97707-97
TOTAL-ABOVE		
666-25	666-25	666-25

TOTAL-WITH

MEDICAL \$11007-91 \$10726-27 \$107374-22

b) Cost-of-Thriftly-Pood-plan-for-family-of-6-a-\$961-

GROUP-I	GROUP-II	GROUP-III
\$936	\$910	\$970
STANDARD-EXCUBING		
MEDICAL	\$996	\$971
		\$939

(Source: Emergency repeal at 21 Ill. Reg. 3575, effective July 1, 1997, for a maximum of 150 days)Section 111.90 Amount of Assistance Standards (Family of 7 thru 18)
(Repealed)EMERGENCY

a) Standards--for--family--sizes--of--7--through--10--are--established--by--the same methodology as for families of 1--through--6--persons--with--the exception--that--the--food--cost--percentage--is--adjusted--to--reflect--the fact--that--the--proportion--of--the--budget--spent--for--food--increases--at--a decreasing--rate--in--succeeding--size--families--USDA--estimates--that--the more--economic--purchase--and--use--of--food--by--families--of--larger--than six--produces--a--savings--of--5%--The--following--adjustment--formula--is therefore--applied:

$$S1 = PFC1 / (P1 + 1) \{ PPs \}$$

where S1--the--standard--for--the--larger--size--family

PFC1--the--Thrifty--Food--Plan--Cost--for--the--larger--family

P1--the--increase--in--Thrifty--Food--Plan--cost--between--families--of

succeeding--size

PPs--the--economies--of--scale--factor

PPs--the--spent--for--food--in--budget--of--smaller--size--family

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- b) For example, for a family of 7:
--9390/(1+1026)(1+95)(1+3055)
c) The use of this adjustment, in conjunction with the methodology established in preceding paragraphs, produces the following standards for families of 7 through 10:

FAMILY STANDARD-BEFORE

STANDARD-INCREASING

MEDICAL MEDICAL

SIZE	GRP-I	GRP-II	GRP-III	GRP-I	GRP-II	GRP-III
7	-905	950	-925	1049	1022	-908
8	1037	1009	-973	1104	1076	1041
9	1091	1062	1025	1162	1132	1095
10	1149	1118	1079	1223	1192	1153
11	1209	1177	1136	1288	1254	1213
12	1273	1238	1195	1355	1320	1277
13	1348	1304	1250	1427	1390	1345
14	1411	1372	1324	1502	1463	1415
15	1485	1445	1394	1581	1540	1490
16	1563	1521	1467	1664	1621	1568
17	1646	1601	1545	1752	1706	1651
18	1732	1685	1626	1844	1796	1730

(Source: Emergency repeal at 21 Ill. Reg. 3575 E, effective July 1, 1997, for a maximum of 150 days)

Section 111.101 Current Assistance Standards (Repealed)

EMERGENCY

Adults-and-Children

Family-Size

Group-I

Group-II

Group-III

\$--555

\$--535

\$--453

---432

---420

---729

---989

---1006

---1273

---1308

---1584

---1505

---1666

---1756

---1858

---1946

---2049

---2157

---2210

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16 --2393 --2328 --2246
17 --2519 --2451 --2364
18 --2652 --2580 --2490

Entid-Only

1 --268 --254 --247
2 --527 --500 --493
3 --653 --634 --621
4 --837 --815 --792
5 --994 --960 --941
6 --1067 --1042 --1014
7 --1149 --1120 --1066
8 --1231 --1203 --1167
9 --1320 --1287 --1250
10 --1413 --1377 --1330
11 --1510 --1472 --1429
12 --1612 --1572 --1525

For family sizes greater than 10 or 12, the amount of the Assistance Standard will be determined by adding \$103 or \$80 respectively for each person above 10 or 12. All rounding in determining Assistance Standards is done by rounding down to the next whole dollar amount.

(Source: Emergency repeal at 21 Ill. Reg. 3575 E, effective July 1, 1997, for a maximum of 150 days)

Section 111.110 Adjustments Following Court Orders (Repealed)

EMERGENCY

In the event that the Department should be required by a court order relating to any or all categories of family cases to pay its payment levels in amounts that more closely approximate a single percentage of standard for all various sized units, the Department shall revise the payment structure established by 89-III-Adm-Code Sections 112-252-112-254 and/or 89-III-Adm-Code Sections 114-351-114-353 as follows for each program affected by such a court order:

a) The Department shall project, by family size and group, the number of assistance units it expects to be on the rolls for the period of time during which the court-ordered payment levels will be paid.

b) The Department shall calculate the amount of money that would have been required for payment of grants using the grant structure in effect immediately prior to the court order for the period of time during which the new payment levels will be paid.

c) Using the above two elements of information, the Department shall calculate what single percentage of the standard would have to be employed to utilize the total amount of money calculated by operation of subparagraph (b) above. Such percentage for such variance from that percentage as the court may have allowed would then be applied

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to-the-standard--for-each-size-unit-in-each-group-which-is-the-subject
of-the--court-order-to-determine-the-new-payment-levels-

(Source: Emergency repeal at 21 Ill. Reg. 3575, effective July 1,
1997, for a maximum of 150 days)

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1) Heading of the Part: Child Support Enforcement

2) Code Citation: 89 Ill. Adm. Code 160

3) Section Numbers: Emergency Action:
160.30 Amendment
160.62 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193)

5) Effective Date of Amendments: July 1, 1997

6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed in Agency's Principal Office: July 1, 1997

8) Reason for Emergency: These emergency amendments are necessary to comply with the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) which changed the way income support is provided to families in the United States. Each state is responsible for developing a plan to provide help for needy families. In Illinois, the program will be called Temporary Assistance for Needy Families or TANF.

TANF will replace the Aid to Families with Dependent Children (AFDC) program beginning July 1, 1997. These emergency amendments are necessary to implement TANF effective July 1, 1997. 305 ILCS 5/12-13.05, as added by Section 10 of Public Act 90-17, allows the use of emergency rulemaking to implement these changes.

9) Complete Description of the Subjects and Issues Involved: Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for tens of

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thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These emergency amendments establish sanctions under TANF for failure to cooperate with the Child Support Enforcement Program.

- 10) Are there any Proposed Amendments pending to this Part? Yes

Section Number	Proposed Action	Illinois Register Citation
160.10	Amendment	September 20, 1996 (20 Ill. Reg. 12567)
160.71	New Section	September 20, 1996 (20 Ill. Reg. 12567)

- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
(217) 524-0081

The full text of the Emergency Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section

160.1 Incorporation By Reference
160.5 Definitions
160.10 Child Support Enforcement Program
160.12 Administrative Accountability Process
160.15 Application Processing Fee for IV-D Non-AFDC Cases
160.20 Assignment of Rights to Support
160.25 Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section

160.30 Cooperation With Support Enforcement Program
EMERGENCY
160.35 Good Cause For Failure to Cooperate With Support Enforcement
160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement
160.45 Suspension of Child Support Enforcement Upon Finding of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

Section

160.60 Establishment of Support Obligations
160.61 Uncontested and Contested Administrative Paternity and Support Establishment
160.62 Cooperation with Paternity Establishment and Continued Eligibility Demonstration Program
EMERGENCY
160.65 Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section

160.70 Enforcement of Support Orders
160.75 Withholding of Income to Secure Payment of Support
160.77 Past Due Support Information to State Licensing Agencies
160.80 Amnesty - 20% Charge
160.85 Diligent Efforts to Serve Process

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SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section
160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section
160.100 Distribution Of Child Support For AFDC Recipients
160.110 Distribution Of Child Support For Former AFDC Recipients Who Continue To Receive Child Support Enforcement Services
160.120 Distribution Of Child Support Collected While The Client Was An AFDC Recipient, But Not Yet Distributed At The Time The AFDC Case Is Cancelled
160.130 Distribution Of Intercepted Income Tax Refunds and Other State Payments
160.132 Distribution of Child Support for Non-AFDC Clients
160.134 Distribution of Child Support for Interstate Cases
160.136 Distribution of Child Support Collected in IV-E Foster Care Maintenance Cases
160.138 Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section
160.140 Statement Of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section
160.150 Department Review Of Distribution Of Child Support For AFDC Recipients
160.160 Department Review Of Distribution Of Child Support For Former AFDC Recipients

AUTHORITY: Implemented and authorized by Art. X and Sections 4-1.7, 12-4.3 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. X, 4-1.7, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March

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21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 3504, effective July 1, 1997, for a maximum of 150 days.

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section 160.30 Cooperation With Support Enforcement Program
EMERGENCY

a) As a condition of individual eligibility for--AFDC, unless the Department determines there is good cause for refusing, a caretaker relative (see 89 Ill. Adm. Code 101.20 for definition of "caretaker relative") must cooperate with the Department in:

- 1) identifying and locating the responsible relative of a child for whom aid is claimed;
- 2) establishing the paternity of a child for whom aid is claimed;
- 3) obtaining support from the responsible relative; and
- 4) enforcing support obligations.

b) If the caretaker relative and his or her spouse are in the home and are included in the assistance grant, both must comply with the cooperation requirements. A caretaker relative who fails or refuses to cooperate, without good cause (see Sections 160.35 through 160.45), to cooperate in the enforcement of support obligations shall be ineligible for medical assistance for himself or herself and is subject to the following cash penalties: excluded-from-the-assistance grant--

1) For the first instance of non-cooperation, the cash assistance payment will be reduced by 50% of the family's Payment Level until the cooperation requirement is met. If the cooperation requirement is not met after three months of reduced payments, the entire cash payment will be stopped.

2) For the second instance of non-cooperation, the cash assistance

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payment will be reduced by 50% of the family's Payment Level for three months. If the cooperation requirement is not met after three months of reduced payments, the entire cash payment will be stopped.

3) For the third (or more) instance of non-cooperation, the family's entire cash assistance payment will be stopped for at least three months. Cash assistance will be reinstated for the fourth month if the cooperation requirement is met during the three-month sanction period.

4) Sanction penalties accumulate during any single period of continuous assistance. A loss of all cash assistance due to sanction shall not be considered a break in assistance. If a family member's non-cooperation occurs during a sanction period which was the result of another member's non-cooperation, the next progressive sanction penalty shall apply.

c) "Cooperating with the Department" in the context of subsection (a) of this Section means any of the following actions that are relevant to, or necessary for, the achievement of the objectives specified in subsection (a) of this Section:

- 1) appearing at such places as an office of the Department or the Department's legal representative (such as the Attorney General or his designee), as necessary, to provide verbal or written information, or documentary evidence, known to, possessed by, or reasonably obtainable by the caretaker relative;
- 2) appearing and testifying as a witness at judicial or administrative proceedings;
- 3) paying to the Department any child support payments received from the responsible relative; and
- 4) providing information, or attesting to the lack of information, under penalty of perjury (for the penalty for perjury, see Section 32-2 of the Criminal Code [720 ILCS 5/32-2]. All caretaker relatives must sign a statement attesting that:
 - A) he or she has to the best of his or her ability, provided all information requested of him or her, and
 - B) all information which he or she has provided is true and correct to the best of his or her knowledge.

d) If a caretaker relative fails/refuses to comply with the requirements of subsection (c) of this Section, he or she is ineligible for financial and medical assistance that is sanctioned for as long as the failure/refusal to cooperate continues. Grounds for a determination that a caretaker relative has failed or refused failed/refused to cooperate with the requirements of subsection (c) of this Section are as follows:

- 1) failure or refusal failure/refusal, without a valid reason, to appear for an appointment or interview appointment/interview at such places as the Department's or the Department's legal representative's office;
- 2) failure or refusal failure/refusal, without a valid reason, to

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appear and testify as a witness at a judicial or administrative proceeding;

- 3) failure or refusal failure/refusal, without a valid reason, to submit to a court or administratively-ordered genetic test; or
- 4) failure or refusal failure/refusal during an appointment or interview appointment/interview to attest under penalty of perjury that:

A) he or she has provided all verbal or written information or documentary evidence known to, possessed by or reasonably obtainable by him or her about the identity and location of the responsible relative; and

B) the information provided is true and correct to the best of his or her knowledge.

5) A caretaker relative may claim a valid reason for failure or refusal failure/refusal to appear for an appointment or interview appointment/interview, to appear and testify as a witness at a judicial or administrative proceeding or to submit to a court or administratively-ordered genetic test.

A) Examples of valid reasons for failure or refusal failure/refusal to cooperate include, but are not limited to:

- i) illness;
- ii) incapacity (for example, a broken leg, information of a scheduled surgery or recuperation from surgery);
- iii) death in the family;
- iv) non-Child Support Enforcement court-required appearance;
- v) temporary incarceration;
- vi) family crisis;
- vii) breakdown in child care arrangements;
- viii) sudden or unexpected emergency;
- ix) unavailability of otherwise suitable child care;
- x) breakdown in transportation arrangements or lack of reasonably available transportation; or
- xi) non-receipt of notice of appointment or interview appointment/interview, court date or genetic test date.

B) The Department will not require a caretaker relative to provide proof of a valid reason for failure or refusal failure/refusal to cooperate unless:

- i) the caretaker relative has failed or refused failed/refused to appear for an appointment or interview appointment/interview, judicial or administrative proceeding or genetic test on at least one other occasion within a 30-day period from the first failure to appear; or
- ii) evidence, independent of the explanation of valid reason, contradicts the caretaker relative's

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explanation.

C) When the Department requests proof of a valid reason, the caretaker relative must provide such proof (for example such as, physician's statement, dated pharmacy statement, hospital admission statement, statements by witnesses) within ten (10) calendar days after the request. The Department shall allow an additional ten (10) calendar days to provide proof at the request of the caretaker relative. If the caretaker relative does not provide the proof, the Department shall reject the claim of a valid reason his--or her financial--and medical--assistance--will--be--discontinued.

D) The sanction for failure or refusal failure/refusal to appear for an appointment or interview appointment/interview, judicial or administrative proceeding or genetic test shall be rescinded at any level of the appeal process up through and until the final agency decision and any lost benefits will be restored, if the caretaker relative establishes a valid reason for his or her failure or refusal failure/refusal.

e) If a caretaker relative, who is subject to the penalty at subsection (b) of this Section the right to--for financial--and--medical--assistance because of a failure or refusal failure/refusal to cooperate indicates that he or she is willing to cooperate within the three-month penalty period, he or she will be given the opportunity to cooperate. The caretaker relative will be determined to have cooperated if he or she complies with the requirements that he or she previously failed or refused failed/refused to meet as follows:

1) In the case of a caretaker relative for whom a sanction was imposed who--was--sanctioned for missing an interview or appointment interview/appointment, he or she may demonstrate cooperation by appearing at a new interview or appointment interview/appointment. If the caretaker relative notifies the Department that he or she is willing to cooperate, the Department will schedule a new interview or appointment interview/appointment no later than three weeks from the date of such notification. If the caretaker relative appears at the new interview or appointment interview/appointment, the Department will authorize assistance as of the date the caretaker relative notified the Department that he or she was willing to cooperate if this is the first penalty, or as of the first day of the fourth month if it is the second or third penalty.

2) In the case of a caretaker relative for whom a sanction was imposed who--was--sanctioned for failure to submit to a genetic test to establish paternity, he or she may demonstrate cooperation by submitting to the genetic test. If the caretaker relative notifies the Department that he or she is willing to cooperate, the Department will schedule a genetic test within three weeks from the date of such notification. If the caretaker

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relative submits to the genetic test, the Department will authorize assistance as of the date the caretaker relative notified the Department that he or she was willing to cooperate if this is the first penalty, or as of the first day of the fourth month if it is the second or third penalty.

3) In the case of a caretaker relative for whom a sanction was imposed who--was--sanctioned for not attending a court or administrative appearance, he or she may demonstrate cooperation by attending the next court or administrative appearance or, once in a court or administrative case after 30 days have passed since the missed appearance, by signing a statement that he or she is now willing to cooperate and will attend the next scheduled court or administrative appearance. Assistance for the caretaker relative shall be authorized as of the date he or she demonstrates cooperation by either method if this is the first penalty, or as of the first day of the fourth month if it is the second or third penalty.

4) In the case of a sanctioned caretaker relative for whom a sanction was imposed for whose failure to attend a court or administrative appearance or other failure to cooperate resulted in the dismissal of the court or administrative case, he or she may demonstrate cooperation by doing what he or she failed to do or, once in a court or administrative case after 60 days have passed since the dismissal, by signing a statement that he or she is now willing to cooperate. Assistance for the caretaker relative shall be authorized as of the date he or she demonstrates cooperation by either method if this is the first penalty, or as of the first day of the fourth month if it is the second or third penalty.

5) In the case of a caretaker relative for whom a sanction was imposed who--was--sanctioned for not attesting, he or she may demonstrate cooperation by executing the attestation described in subsection (d)(4) of this Section. Assistance for the caretaker relative shall be authorized as of the date he or she executes the attestation if this is the first penalty, or as of the first day of the fourth month if it is the second or third penalty.

6) The Department shall not deny or terminate a pregnant caretaker relative's medical assistance because of the caretaker relative's failure to cooperate with the requirements of subsection (c) of this Section until at least 30 days have elapsed since termination of the pregnancy.

f) A sanction for failure or refusal failure/refusal to comply with the requirements of subsection (c) of this Section shall be rescinded at any level of the appeal process up through and including the final agency decision and any lost benefits will be restored, if the caretaker relative establishes good cause for failure or refusal failure/refusal.

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(Source: Emergency amendment at 21 Ill. Reg. 8594 effective July 1, 1997, for a maximum of 150 days)

SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

Section 160.62 Cooperation with Paternity Establishment and Continued Eligibility Demonstration Program
EMERGENCY

- a) Unless the Department determines there is good cause for failure to cooperate (see Sections 160.35 through 160.45), a custodial parent of a non-marital child in a case assigned to either the experimental or the non-experimental treatment group in the Paternity Establishment and Continued Eligibility Demonstration Program under subsection (c) of Section 160.61 must cooperate with the Department's efforts to establish the child's paternity, as required under this Section. If the alleged father is in the home with the custodial parent and included in the assistance unit, both parents must comply with the cooperation requirements.
- b) The provisions of Section 160.30, on cooperation with the support enforcement program, shall apply to the cases described in subsection (a) of this Section, unless otherwise provided in this Section.
- c) A custodial parent in a case described in subsection (a) of this Section cannot attest to lack of information under subsection (c) of Section 160.30, but must furnish to the Department at the time of the notification required under subsection (d) of this Section a written statement, under penalty of perjury, setting forth the following verifiable information about the alleged father, or, if more than one person is an alleged father, about each such person:
- 1) the name and social security number of the alleged father; or
 - 2) the name of the alleged father and at least two of the following items of identifying information related to the alleged father:
 - A) date of birth;
 - B) address;
 - C) telephone number;
 - D) name and address of past or present employer;
 - E) name and address of union or trade association;
 - F) past or present school attended;
 - G) names and addresses of parents;
 - H) names and addresses of other relatives or friends;
 - I) the manufacturer's model and license number of any motor vehicle owned by the alleged father;
 - J) other verifiable information concerning the alleged father, such as information about military service, involvement with the criminal justice or penal systems, receipt of public assistance or unemployment insurance benefits or the existence of professional, occupational or recreational

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licenses.

- d) All custodial parents in the cases described in subsection (a) of this Section shall be notified, in writing, of the cooperation requirements and sanctions for failure to comply with those requirements under this Section during intake, when adding a non-marital child to their grant (including cases where the new child is subject to the family cap under 89 Ill. Adm. Code 112 and 170), or, for existing cases with a non-marital child, at any time beginning with the effective date of this Section.
- e) A custodial parent who fails to cooperate, without good cause, at any time during the first six months following the notification required under subsection (d) of this Section, shall be excluded from the assistance grant.
- f) Non-cooperation, without good cause, that continues beyond the six-month period after the notification required under subsection (d) of this Section, or an instance of non-cooperation that occurs after the six-month period following a period during which the custodial parent was deemed to be cooperating (such as failure to appear for a court or administrative proceeding, or failure to submit to or bring the non-marital child in for court or administrative ordered genetic testing), will result in sanctions by the Department as follows:
- 1) If the custodial parent was sanctioned for failure to furnish identifying information concerning the alleged father or for any other instance of non-cooperation, without good cause, at any time during the first six months following the notification required under subsection (d) of this Section, of this Section, and non-cooperation continues beyond the end of the six-month period, then:
 - A) beginning with the seventh month following notification, in addition to continued exclusion of the custodial parent from the assistance grant, the non-marital child's portion of the family's cash assistance benefits will be terminated, and the sanction will be removed in the month following the date on which the custodial parent cooperates;
 - 2) If an instance of non-cooperation, without good cause, occurs after the end of the first six months following the notification required under subsection (d) of this Section, and the custodial parent had not previously been sanctioned for non-cooperation, then:
 - A) the custodial parent will be excluded from the assistance grant, and
 - B) if the custodial parent then cooperates within the sanction month, the sanction will be removed for the following month; however
 - C) if the non-cooperation continues through the sanction month, the non-marital child's portion of the family's cash assistance benefits will be terminated, beginning the following month, and the sanction will not be removed until

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the-month-following-the-date-on-which-the-custodial-parent cooperates:

- 3) If an instance of non-cooperation, without good cause, occurs after the end of the first six months of the requirement to cooperate, following a period during which the custodial parent was deemed to be cooperating, but the custodial parent had, at any earlier time, following the notification required under subsection (d) of this Section, been sanctioned for non-cooperation, then:
- A) In addition to excluding the custodial parent from the assistance grant, the non-marital child's portion of the family's cash assistance benefits will be terminated; and
 - B) The sanctions will not be removed until the month following the date on which paternity is established, unless it is determined by the Department that:
 - i) the custodial parent has provided the identifying information related to the child's alleged father, as specified in subsection (c) of this Section, and fully cooperated; and
 - ii) the failure to establish paternity is attributable to the Department for reasons such as a trial or hearing continuance, or failure to arrange genetic testing or to make findings after a paternity administrative hearing, or to serve the alleged father with process or notice as provided by law.

e) The failure of a custodial parent to provide sufficient identifying information about the alleged father, as required under subsection (c) of this Section, shall not be determined to be non-cooperation if:

- 1) the custodial parent has had an assistance grant that includes the non-marital child for at least 10 years prior to the notification provided to the custodial parent under subsection (d) of this Section, and the custodial parent furnishes to the Department a written statement, under penalty of perjury, indicating that she does not know the identifying information about the alleged father because she has had no contact with him since the non-marital child was included in the assistance grant; or
- 2) the custodial parent does not know the required information because:
 - A) the custodial parent is developmentally disabled, as documented by a copy of an intelligence quotient test result, or the written statement of a qualified medical practitioner; or
 - B) the custodial parent is mentally ill, or was mentally ill at the time the non-marital child was conceived, as documented by the written statement of a qualified medical practitioner stating that the nature of the mental illness prevented the person from knowing the required information; or

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- C) the custodial parent has a history of drug or alcohol abuse, and provides documentation of treatment for such abuse taken at the time the non-marital child was conceived; and
- 3) the custodial parent provides whatever identifying information she does possess about the alleged father.

f) All applicants and recipients subject to the provisions of this Section shall have the same appeal rights, including the right to a fair hearing, as any other applicant or recipient notified of an adverse action.

(Source: Emergency amendment at 21 Ill. Reg. 3034, effective July 1, 1997, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Collections and Recoveries
- 2) Code Citation: 89 Ill. Adm. Code 165
- 3) Section Numbers: Emergency Action:
165.10 Amendment
165.70 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193)
- 5) Effective Date of Amendments: July 1, 1997
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: July 1, 1997
- 8) Reason for Emergency: These emergency amendments are necessary to comply with the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) which changed the way income support is provided to families in the United States. Each state is responsible for developing a plan to provide help for needy families. In Illinois, the program will be called Temporary Assistance for Needy Families or TANF.
- TANF will replace the Aid to Families with Dependent Children (AFDC) program beginning July 1, 1997. These emergency amendments are necessary to implement TANF effective July 1, 1997. 305 ILCS 5/12-13.05, as added by Section 10 of Public Act 90-17, allows the use of emergency rulemaking to implement these changes.

- 9) Complete Description of the Subjects and Issues Involved: Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for tens of

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thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These emergency amendments make changes in provisions regarding overpayments in connection with TANF.

- 10) Are there any Proposed Amendments pending to this Part? Yes
- Sections Proposed Action Illinois Register Citation
165.104 Amendment June 27, 1997 (21 Ill. Reg. 7836)
- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.
- 12) Information and questions regarding these Emergency Amendments shall be directed to:
- Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-0081

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 165

COLLECTIONS AND RECOVERIES

SUBPART A: GENERAL OVERPAYMENT PROVISIONS

Section
165.1 Incorporation By Reference
165.10 Overpayments

EMERGENCY

165.20 Determination of Financial Assistance Overpayments
165.30 Types of Food Stamp Overpayment Claims
165.40 Determination of Food Stamp Overpayments
165.42 Establishment of Claims for Food Stamp Overpayments
165.50 Suspension and Termination of Food Stamp Claims

SUBPART B: COLLECTION OF FINANCIAL ASSISTANCE
OVERPAYMENTS FROM CURRENT CASES

Section

165.70 Recoupment of Overpayments from Current Temporary Assistance for Needy Families (TANF), Aid-to-Families-with-Dependent-Children-(AFDC), Aid to the Aged, Blind or Disabled (AABD) and General Assistance (GA) Cases

EMERGENCYSUBPART C: COLLECTION OF FOOD STAMP OVERPAYMENTS FROM
CURRENTLY PARTICIPATING HOUSEHOLDS

Section

165.80 Initiating Collection from Currently Participating Households
165.82 Methods of Food Stamp Claim Repayment
165.84 Determination of Monthly Benefit Reduction Amount
165.86 Failure to Respond to Initial Demand Letter
165.88 Failure to Comply with Repayment Schedule

SUBPART D: COLLECTION OF OVERPAYMENTS FROM NON-RECIPIENTS

Section

165.100 Collection of Overpayments from Persons Not Receiving Financial Assistance or Food Stamps
165.102 Demand for Repayment
165.104 Methods of Involuntary Repayment
165.106 Effect of Return to Active Assistance Status

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AUTHORITY: Implementing and authorized by Sections 11-18, 12-4.4 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-18, 12-4.4 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 102.100 and 102.110 and 89 Ill. Adm. Code 121.200 through 121.208 at 10 Ill. Reg. 21094; amended at 11 Ill. Reg. 10604, effective May 29, 1987; amended at 12 Ill. Reg. 18192, effective November 4, 1988; amended at 13 Ill. Reg. 3843, effective March 17, 1989; amended at 17 Ill. Reg. 8187, effective May 24, 1993; amended at 17 Ill. Reg. 18113, effective September 29, 1993; emergency amendment at 20 Ill. Reg. 13376, effective October 1, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3151, effective February 28, 1997; emergency amendment at 21 Ill. Reg. ~~3607~~, effective July 1, 1997, for a maximum of 150 days.

SUBPART A: GENERAL OVERPAYMENT PROVISIONS

Section 165.10 Overpayments
EMERGENCY

An overpayment is financial assistance, food stamp benefits Food--Stamp Coupons, or both, issued in error to or in behalf of a client. The Illinois Department of Public Aid (Department) shall initiate action to recover all overpayments, whether or not a client is currently eligible for financial assistance, food stamp benefits Food-Stamp-Coupons or both.

a) If a person currently receives assistance of the type in which the overpayment occurred, the overpayment shall be collected under Subparts B or C, as the case may be, of this Part.

b) If a family currently participating in the Temporary Assistance for Needy Families (TANF) program has received an overpayment of AFDC or TANF, and has not repaid the money, the overpayment shall be collected under Subparts B or C, as the case may be, of this Part.

c) If a person (including a person who receives only medical assistance) does not currently receive assistance of the type in which the overpayment occurred, the overpayment shall be collected under Subpart D of this Part.

(Source: Emergency amendment at 21 Ill. Reg. ~~3607~~, effective July 1, 1997, for a maximum of 150 days)

SUBPART B: COLLECTION OF FINANCIAL ASSISTANCE
OVERPAYMENTS FROM CURRENT CASES

Section 165.70 Recoupment of Overpayments from Current Temporary Assistance for Needy Families (TANF), Aid-to-Families-with-Dependent-Children-(AFDC), Aid to the Aged, Blind or Disabled (AABD) and General Assistance (GA) Cases
EMERGENCY

a) When the Department determines that an TANF AFDC, AABD or GA assistance unit has received assistance to which it is not entitled,

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the Department shall recoup the overpayment from:

- 1) the current assistance grant; or
- 2) the assistance grant case that now contains the former grantee of the overpaid assistance case; or
- 3) the assistance grant case that now contains any adult member of the overpaid assistance case.

b) The entire overpayment will be recouped in as short a time as possible. For AABD and GA cases However, the amount to be deducted for any one month shall not reduce the family's or individual's total income and assets to an amount less than 90% of the respective payment standard for a family or individual of that size with no income. (For overpayments due to the receipt of duplicate warrants, see 89 Ill. Adm. Code 117.20.)

c) For TANF APPE and GA cases, the family's or individual's total income shall include all gross earned income, less the earned income disregard and child care deduction if applicable, all unearned income, and all assistance payments. For AABD, total income shall include net earned income, all unearned income, and all assistance payments.

d) Families participating in the TANF program who have received an overpayment of AFDC or TANF, and have not repaid the money, will have the overpayment recouped from the TANF payment. The amount to be deducted for any one month shall not reduce the family's or individual's total income and assets to an amount less than 90% of the applicable assistance payment level with a \$75 monthly maximum deduction. (For overpayments due to the receipt of duplicate warrants, see 89 Ill. Adm. Code 117.20.)

(Source: Emergency amendment at 21 Ill. Reg. 3607, effective July 1, 1997, for a maximum of 150 days)

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- 1) Heading of the Part: Crisis Assistance

- 2) Code Citation: 89 Ill. Adm. Code 116

- 3) Section Numbers:
116.400 Repeal
116.500 Amendment
116.510 Repeal

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193)

- 5) Effective Date of Amendments: July 1, 1997

- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

- 7) Date Filed in Agency's Principal Office: July 1, 1997

- 8) Reason for Emergency: These emergency amendments are necessary to comply with the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) which changed the way income support is provided to families in the United States. Each state is responsible for developing a plan to provide help for needy families. In Illinois, the program will be called Temporary Assistance for Needy Families or TANF.

TANF will replace the Aid to Families with Dependent Children (AFDC) program beginning July 1, 1997. These emergency amendments are necessary to implement TANF effective July 1, 1997. 305 ILCS 5/12-13.05, as added by Section 10 of Public Act 90-17, allows the use of emergency rulemaking to implement these changes.

- 9) Complete Description of the Subjects and Issues Involved: Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS
PART 116
CRISIS ASSISTANCE

welfare in Illinois in recent years and provided the impetus for tens of thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These emergency amendments repeal the Emergency Assistance Program and the Crisis Assistance Program and revise Crisis Assistance Payments in connection with TANF.

- 10) Are there any Proposed Amendments pending to this Part? No
- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.
- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-0081

The full text of the Emergency Amendments begins on the next page:

Section
116.10 Incorporation By Reference
116.400 Crisis Assistance Programs (Repealed)
EMERGENCY
116.500 Crisis Assistance Payments Special Assistance Program
EMERGENCY
116.510 Emergency Assistance Program (Repealed)
EMERGENCY
116.520 Hardship Program (Repealed)

AUTHORITY: Implementing Articles III, IV, and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI and 12-13].

SOURCE: Filed and effective December 30, 1977; amended at 4 Ill. Reg. 13, p. 1287, effective March 17, 1980; amended at 5 Ill. Reg. 12722, effective October 28, 1981; codified at 7 Ill. Reg. 5195; emergency amendment at 9 Ill. Reg. 18154, effective November 15, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 11027, effective June 11, 1986; amended at 11 Ill. Reg. 6487, effective March 17, 1987; amended at 12 Ill. Reg. 14207, effective August 30, 1988; amended at 13 Ill. Reg. 3847, effective March 10, 1989; amended at 14 Ill. Reg. 16970, effective September 30, 1990; amended at 15 Ill. Reg. 16719, effective November 1, 1991; emergency amendment at 15 Ill. Reg. 16772, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 5350, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 13961, effective September 1, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1078, effective January 15, 1993; amended at 17 Ill. Reg. 19188, effective October 25, 1993; amended at 19 Ill. Reg. 7895, effective June 5, 1995; amended at 19 Ill. Reg. 16852, effective December 11, 1995; emergency amendment at 21 Ill. Reg. ~~16112~~, effective July 1, 1997, for a maximum of 150 days.

Section 116.400 Crisis Assistance Programs (Repealed)
EMERGENCY

- a) ~~the Department administers Crisis Assistance Programs which include the Special Assistance Program and the Emergency Assistance Program;~~
- b) ~~the following groups of families are eligible for the Special Assistance and Emergency Assistance Programs:~~
 - 1) ~~Families that receive aid to families with dependent children (AFDC); financial assistance or who meet all the eligibility criteria of the AFDC program (see 89 Ill. Adm. Code 112) (Section~~

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- 4-12-of-the-Illinois-Public-Aid-Code-(305-IBES-5/4-12)
- 2) Families--ineligible-for-APBC-financial-assistance-that-contain a-child-under-age-21-and-meet-the-financial-eligibility-criteria of--the-APBC-program--However-families-ineligible-for-APBC-are not-eligible-for-Special-Assistance-for-non-medical-needs-related to-essential-medical-care
- 3) Pregnant-women-whose-pregnancy-has-been-medically-confirmed-who would-be-eligible-for--the-APBC-program-if-the-child-were-born (Section-4-12-of-the-Illinois-Public-Aid-Code-(305-IBES-5/4-12)) and
- 4) Children-and-families-who-receive-services-from-the-Department-of Children-and-Family-Services-(BCFS)-
- c) Assistance-provided-through-any--of--the-Crisis--Assistance--Programs shall-not-be-considered-as-income-in-computing-the-regular-assistance grant-
- d) Assistance-is-provided-only-if-the-destitution-or-need-did-not--arise from-a-refusal-without-good-cause-to-accept-employment-or-training-for employment-

(Source: Emergency repealed at 21 Ill. Reg. 3612, effective July 1, 1997, for a maximum of 150 days.)

Section 116.500 Crisis Assistance Payments Special Assistance Program

EMERGENCY

- a) A crisis special assistance payment may be provided to TANF recipients in the following situations:
- 1) The family is rendered homeless or is threatened with homelessness as a result of a fire, flood or other natural disaster.
 - 2) The family has an eviction or a court order to vacate the premises for reasons other than non-payment of rent.
 - 3) A spouse and child have left the residence occupied by a spouse who was physically abusing the now homeless spouse or child.
 - 4) The family is deprived of essential items of furniture and/or clothing by fire, flood or other natural disaster because of lost or stolen cash. (Section-4-12-of-the-Illinois-Public-Aid-Code-III-Rev-Stat-1991-ch-23-par-4-12) [305 ILCS 5/4-12]
 - 5) The family is deprived of food as a result of fire, flood, or other disaster, or lost or stolen cash which does not render the family homeless and cannot be met through the food stamp program. Food cannot be authorized for replacement of lost or stolen food stamps.
 - 6) The family--is-threatened-with-dissolution-of-the-family-unit-by economic-necessity-as-evidenced-by-a-decision-by--the--Illinois Department--of-Children-and-Family-Services-(BCFS)-that-the-child will-have-to-be-placed-in-a-foster-home-setting-if--the-economic crisis-is-not-alleviated-

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- 6)7) The family has non-medical needs related to essential medical care. Non-medical needs for essential medical care are needs associated with the provision of specialized or essential medical care and include the following:
- A) Food - when overnight lodging is required or when extensive travel is required during the day in order to obtain essential or specialized medical care.
 - B) Lodging - when overnight lodging is required to obtain essential or specialized medical care.
 - C) Transportation to the source of essential or specialized medical care when it cannot be provided by the Medical Assistance Program or some other source. Transportation expenses for routine office visits associated with normal medical care shall not be allowed.
- b) Payment shall be made for the following items when the recipient has demonstrated a need for such an item:
- 1) One month's rent;
 - 2) Food (minus the amount of available food stamps);
 - 3) Essential clothing:
 - A) Essential clothing is defined as those articles of clothing appropriate for the season which the recipient would have purchased with the money which is lost or stolen;
 - B) If everyone in the assistance unit has at least one full set of clothing, appropriate to the season, this allowance for clothing will not be authorized;
 - 4) Household supplies;
 - 5) Essential household furnishings; and
 - 6) Non-medical needs related to essential medical care. Eligibility for non-medical needs related to essential medical care is determined through the verification of a specialized or essential medical need. The verification of a specialized or essential medical need is provided by the client's doctor.
- c) Maximum Payments
- 1) Shelter Costs: One month's rent not to exceed \$250.
 Group-I-Counties-3142-00
 Group-II-Counties-3123-00
 Group-III-Counties-307-00
 (See-09-III-Adm-Code-113-250-for-County-Groups)
 - 2) Clothing, Household Supplies
- | Size of Assistance Unit | Clothing | Household Supplies |
|-------------------------|----------|--------------------|
| 1 | \$ 34.00 | \$11.00 |
| 2 | \$ 58.00 | \$14.00 |
| 3 | \$ 92.00 | \$17.00 |
| 4 | \$117.00 | \$17.00 |

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- 5 \$146.00 \$20.00
- 6 \$174.00 \$20.00
- 7 \$204.00 \$22.00
- 8 \$233.00 \$22.00
- 9 \$261.00 \$23.00
- 10 \$291.00 \$24.00
- 3) Food - \$5.00 \$2.00 per person per day until the receipt of the next regular payment warrant (AFDC recipients) or until recipient of regular source of income or receipt of food stamps (non-AFDC recipients) not to exceed 30 days.

4) Household Furnishings

- A) Kitchen table - \$50.00 (one per assistance unit)
- B) Kitchen Chair - \$10.00 (one per person in assistance unit)
- C) Beds - to ensure adequate sleeping facilities for all members of the assistance unit.
- i) Bed frame - \$30.00
- ii) Single mattress and springs - \$70.00
- iii) Double mattress and springs - \$100.00
- iv) Bunk beds (including mattresses and springs) - \$130.00
- v) Crib (including mattress) - \$65.00

5) Non-Medical Needs Related to Essential Medical Care

- A) Food - \$9.00 a day or \$3.00 per meal.
- B) Lodging - Lodging expenses shall be approved for the least expensive rate which provides lodging that is adequate and available to meet the individual's needs. Payment will not be provided for a higher amount if it can be determined that lodging is available free of charge or at a lower rate.
- C) Transportation - When transportation cannot be provided by the Medical Assistance Program, transportation expenses shall be approved for the least expensive mode of transportation adequate to meet the individual's needs. When transportation is by private automobile, the allowable rate shall be at 14¢ per mile.

d) Time Limits

- 1) For families already receiving financial assistance A decision on a request for Special Assistance shall be made within five (5) work days of the date of request. Assistance shall be authorized within two (2) work days following the decision.

2) For families not already receiving financial assistance:

- A) five (5) work days shall be allowed for the client to provide necessary verifications, and five (5) work days shall be allowed to determine eligibility.
- B) Assistance shall be authorized within five (5) work days of a determination of eligibility.

e) Program Restriction

The recipient may only receive special assistance during one period of thirty (30) consecutive days in any twelve (12) consecutive months. This may include payments to meet needs which occur before or extend

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beyond the thirty (30) day period. However, this provision does not apply to non-medical needs related to essential medical care. Payment for non-medical needs related to essential medical care may be made as often as is necessary regardless of whether the client has received a Special Assistance Payment in the past twelve months. A client may receive a Special Assistance Payment for a reason other than a non-medical need related to essential medical care regardless of whether a Special Assistance Payment for non-medical needs has been made within the past twelve months. For recipients participating in the Homeless Families Support Project, see Section 170.30.

(Source: Emergency amendment at 21 Ill. Reg. 3612, effective July 1, 1997, for a maximum of 150 days.

Section 116.510 Emergency Assistance Program (Repealed)

EMERGENCY

Emergency Assistance may be provided in the following situations:

- a) Lost or Stolen Cash When as a result of lost or stolen cash, a family is deprived of food or essential clothing, the following amounts may be authorized:
- 1) Food, in amounts as specified in Section 116.500(c) and not to exceed the amount of cash which was lost or stolen.
- 2) Essential clothing, as defined and in amounts as specified in Section 116.500(b) and (c) and not to exceed the amount of cash which was lost or stolen.
- b) Court-Ordered Eviction Due to Non-Payment of Rent When a family is deprived of shelter or threatened with immediate deprivation of shelter due to court order requiring eviction due to non-payment of rent, payment for rent shall, if all eligibility criteria for the Emergency Assistance Program are met, be authorized in an amount not to exceed the following maximums:

Counties	Rent
Group I-Counties	\$142.00
Group II-Counties	\$123.00
Group III-Counties	\$ 87.00
(See 09 Ill. Adm. Code 113.250 for County Groupings)	

c) Emergency Shelter

The Department shall reimburse private and public social service agencies with whom the Department has written agreements for emergency shelter and food provided to recipients. Reimbursement shall be made in amounts and in accordance with those agreements.

d) Emergency Assistance for DCFS Children and Families.

- 1) Emergency Assistance may be provided for children and families served by DCFS who are in the following situations:
- A) Children who are abused, neglected, dependent or abandoned;

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- B) Children who are in emergency situations where continued presence in the home is not in the best interests of the child; and
- C) Children who are at risk of removal from the home because of abuse, neglect, or inability of parents to provide care.
- 2) For children and families served by DAPS the following kinds of assistance may be authorized:
- A) Shelter care, relative and non-relative foster care, residential group care or any other appropriate placement for children separated from their parents;
- B) Housing, advocacy, shelter, repairs, utilities, cash assistance, furniture, transportation and other assistance to prevent placement of a child;
- C) Case management, counseling, therapy, psychological testing and evaluation or any other service provided; and
- B) Parenting education and training, household management, training, homemaker support services and any other service provided to alleviate emergency condition;
- 3) Program Restrictions---DAPS and Homeless Family Project-Emergency Assistance
- Emergency Assistance for children and families must be authorized within a single 30-day period no less than 12 months after the beginning of the family's last Emergency Assistance period.
- 4) Program Restrictions---IDPA-Emergency Assistance
- When recipient may only receive emergency assistance during one period of 30 consecutive days in any 12 consecutive months---This may include payments to meet needs which occur before or extend beyond the 30-day period. For homeless shelter, the maximum duration is 100 days or less as necessary to alleviate the emergency condition. For recipients participating in the Homeless Families Support Project, see Section 170-30.
- 5) Time Limits
- 1) A decision shall be made and assistance authorized within the time frames established in Section 116-500(d);
- 2) Payment shall be made to the private and public social service agencies within time limits specified in the written agreements.

(Source: Emergency repealed at 21 Ill. Reg. 3613, effective July 1, 1997, for a maximum of 150 days.)

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- 1) Heading of the Part: Demonstration Programs
- 2) Code Citation: 89 Ill. Adm. Code 170
- 3) Section Numbers: Emergency Action:
- | | |
|---------|--------|
| 170.10 | Repeal |
| 170.40 | Repeal |
| 170.50 | Repeal |
| 170.250 | Repeal |
| 170.300 | Repeal |
| 170.350 | Repeal |
| 170.360 | Repeal |
| 170.370 | Repeal |
| 170.380 | Repeal |
| 170.390 | Repeal |
| 170.500 | Repeal |
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193)
- 5) Effective Date of Amendments: July 1, 1997
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: July 1, 1997
- 8) Reason for Emergency: These emergency amendments are necessary to comply with the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) which changed the way income support is provided to families in the United States. Each state is responsible for developing a plan to provide help for needy families. In Illinois, the program will be called Temporary Assistance for Needy Families or TANF.
- TANF will replace the Aid to Families with Dependent Children (AFDC) program beginning July 1, 1997. These emergency amendments are necessary to implement TANF effective July 1, 1997. 305 ILCS 5/12-13.05, as added by Section 10 of PA 90-17, allows the use of emergency rulemaking to implement these changes.
- 9) Complete Description of the Subjects and Issues Involved: Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. A State plan has been developed

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to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for tens of thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These emergency amendments repeal some demonstration programs in connection with TANF.

- 10) Are there any Proposed Amendments pending to this Part? No
- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
(217) 524-0081

The full text of the Emergency Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER 9: DEMONSTRATION PROGRAMS

PART 170

DEMONSTRATION PROGRAMS

SUBPART A: THE FRESH START
WELFARE REFORM DEMONSTRATION PROGRAM

Section
170.10 Youth Employment and Training Initiative (Repealed)
EMERGENCY
170.20 Paternal Involvement Project
170.30 Homeless Families Support Project
170.40 Family Responsibility Project (Repealed)
EMERGENCY
170.50 Income Budgeting Project (Repealed)
EMERGENCY

SUBPART B: THE CAREER ADVANCEMENT PROGRAM

Section
170.100 The Career Advancement Program
170.110 Career Advancement Experimental and Control Groups
170.120 Career Advancement Participation Requirements of Experimental Group Members
170.130 Career Advancement Supportive Services for Experimental Group Members

SUBPART C: COMMUNITY GROUP PARTICIPATION PROGRAM

Section
170.200 Community Group Participation Program

SUBPART D: EARNED INCOME INITIATIVE

Sections
170.250 Work Pays Demonstration (Repealed)
EMERGENCY

SUBPART E: THE SCHOOL ATTENDANCE INITIATIVE

170.300 School Attendance Initiative (Repealed)
EMERGENCY

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

Section

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170.350 Family Accountability (Repealed)

EMERGENCY

170.360 Get a Job Initiative (Repealed)

EMERGENCY

170.370 Targeted Work Initiative (TWI) (Repealed)

EMERGENCY

170.380 Quarterly Reporting - Failure to Report Employment Demonstration

EMERGENCY

170.390 Employment Plan Demonstration Project (Repealed)

EMERGENCY

SUBPART G: BIOMETRIC IDENTIFICATION DEMONSTRATION

Section

170.400 Retinal Scanning

170.410 Electronic Fingerprinting (AIMS) Demonstration

SUBPART H: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS)

DEMONSTRATION PROGRAM

Section

170.450 Young Parent Services South Home Visitor, Demonstration (Project Link)

SUBPART I: DASA/DPA SUBSTANCE ABUSE INITIATIVE

Section

170.500 DASA/DPA Substance Abuse Initiative (Repealed)

EMERGENCY

AUTHORITY: Implementing and authorized by Sections 4-1, 4-1.10, 4-8, 4-17, 11-20, 12-4.28 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1, 4-1.10, 4-8, 4-17, 11-20, 12-4.28 and 12-13].

SOURCE: Adopted at 13 Ill. Reg. 14067, effective August 23, 1989; amended at 14 Ill. Reg. 19320, effective November 30, 1990; amended at 17 Ill. Reg. 19197, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19721, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3372, effective February 28, 1994; emergency amendment at 19 Ill. Reg. 645, effective January 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 7901, effective June 8, 1995; emergency amendment at 19 Ill. Reg. 15256, effective November 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15849, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16314, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 866, effective January 1, 1996; amended at 20 Ill. Reg. 4333, effective February 29, 1996; amended at 20 Ill. Reg. 5685, effective March 30, 1996; amended at 20 Ill. Reg. 6029, effective April 12, 1996; amended at 20 Ill. Reg. 6517, effective April 29, 1996; amended

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at 21 Ill. Reg. 1379, effective January 15, 1997; amended at 21 Ill. Reg. 1700, effective January 27, 1997; amended at 21 Ill. Reg. 2230, effective February 1, 1997; emergency amendment at 21 Ill. Reg. 8620, effective July 1, 1997, for a maximum of 150 days.

Section 170.10 Youth Employment and Training Initiative (Repealed)

EMERGENCY

a) The Youth Employment and Training Initiative is a four-year demonstration program of experimental design operated by the Department. The Youth Employment and Training Initiative is proposed as a Youth Component of JOBS. The purpose of the demonstration program is to determine if by mandating participation of youth (14 to 20 years old) in the JOBS programs (See 89 Ill. Adm. Code 112.70 through 112.82), the cycle of intergenerational welfare dependency will be broken. The primary focus is on education and training directly linked to high school graduation and employment.

b) Selection Criteria

The Department will randomly select for participation in the control or experimental groups of the Youth Employment and Training Initiative subjects who are:

- 1) included in an APBE grant case;
- 2) enrolled as students in the City of Chicago in a high school which has been selected as a test and/or as a control site; and
- 3) 14 to 20 years of age.

c) Participation Requirement

Individuals randomly selected for mandatory participation in the demonstration program are subject to and must comply with the terms, conditions and requirements of 89 Ill. Adm. Code 112.70 through 112.82. However, the provision of Section 112.78 (a) which exempts from JOBS dependent children under sixteen (16) who are not parents is not applicable. Additionally, the provisions of Section 112.71 (4) (i) and (3) which exempt from JOBS a dependent child age sixteen (16) through eighteen (18) in full-time elementary, secondary grades 9-12 or equivalent vocational/technical school attendance and a dependent child under the age of sixteen (16) are not applicable.

d) Experimental and Control Groups

1) The individuals selected pursuant to subsection (b) above must comply with JOBS requirements pursuant to subsection (c) above. Individuals will be randomly assigned to one of the following groups:

- A) an experimental group which shall consist of those individuals who must comply with the requirements of subsection (c) above; or
- B) a control group which shall consist of those individuals who meet the criteria of subsection (b) above but are not mandated to comply with the requirements of subsection (c) above.

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- 2) Individuals selected for the experimental group who fail/refuse to cooperate with JDBS requirements, without good cause, will be sanctioned pursuant to 89 Ill. Adm. Code 112.79.
- 3) As long as the youth employment and training initiative is in effect, a person designated as an experimental or control group member retains that designation for purpose of data collection regardless of a subject's continued participation in school or in the program.

(Source: Emergency repeal at 21 Ill. Reg. 3620, effective July 1, 1997, for a maximum of 150 days)

Section 170.40 Family Responsibility Project (Repealed)

EMERGENCY

- a) The Family Responsibility Project is a four-year demonstration program operated by the Department of Public Aid. The purpose of the project is to demonstrate that allowing two-parent families to qualify for APBC-UP will help these families achieve self-sufficiency sooner and have a lower recidivism rate than families who have been denied APBC-UP.
- b) Selection Criteria
- All two-parent families who qualify for APBC-UP on the basis of income and assets are eligible for this demonstration except in Franklin, Macon, Peoria, Vandalia, Vermilion and Winnebago Counties. In these counties participants will be randomly selected for participation.
- c) Participation Requirements
- Individuals eligible for participation in the demonstration project are no longer subject to nor must comply with the terms, conditions and requirements of APBC-UP as listed in 89 Ill. Adm. Code 112.64, unless they are in the control group of the Family Responsibility Project.
- d) Experimental and Control Groups
- Individuals in Franklin, Macon, Peoria, Vandalia, Vermilion and Winnebago Counties will be randomly assigned to one of the following groups:
- 1) an experimental group which shall consist of those individuals who must comply with subsection (c) above; or
- 2) a control group which shall consist of those individuals who meet the criteria of subsection (b) above but will not be mandated to comply with the requirements of subsection (c) above.
- e) As long as the Family Responsibility Project is in effect, a person designated as an experimental or control group member retains that designation for purposes of data collection even if that person's IBPA eligibility changes or if he or she moves.

(Source: Emergency repeal at 21 Ill. Reg. 3620, effective July 1, 1997, for a maximum of 150 days)

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SUBPART B: THE CAREER ADVANCEMENT PROGRAM

Section 170.50 Income Budgeting Project (Repealed)

EMERGENCY

- a) The Income Budgeting Project is a four-year demonstration program of experimental design operated by the Department. The purpose of the project is to demonstrate that a combination of prospective and retrospective budgeting of earned income encourage APBC recipients to accept employment.
- b) Elements of the Income Budgeting Project
- 1) When a recipient reports that he has begun employment and a determination has been made that he remains eligible for APBC, the earned income shall be budgeted prospectively for the first two months.
- 2) After the first two months, the income shall be budgeted retrospectively.
- 3) An adjustment for under or overpayments which occurred during the first two months of prospective budgeting shall be made.
- 4) If a recipient reports and verifies that employment has ended, budgeting of earnings shall end with first month of non-employment.
- c) Selection Criteria
- Participants in the Income Budgeting Project are:
- 1) All APBC recipients who have earned income and who do not reside in Rock Island County or Champaign County.
- 2) In Rock Island County, those APBC clients randomly selected by the Department for participation.
- d) Experimental and Control Groups
- 1) Individuals will be assigned to one of the following groups:
- A) an experimental group which shall consist of those individuals who will be entitled to the elements of the Income Budgeting Project; or
- B) a control group in Rock Island County which shall consist of those individuals who meet the criteria of subsection (e)(2) above, but will have earned income budgeted under the Department's current budgeting method.
- 2) As long as the Income Budgeting Project is in effect, a person designated as an experimental or control group member retains that designation for purposes of data collection even if that person leaves the project area or stops receiving APBC.

(Source: Emergency repeal at 21 Ill. Reg. 3620, effective July 1, 1997, for a maximum of 150 days)

SUBPART D: EARNED INCOME INITIATIVE

Section 170.250 Work Pays Demonstration (Repealed)

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EMERGENCY

- a) The Work Pays is a four-year demonstration program of experimental design to be operated by the Department upon receipt of necessary federal waivers. Goals of this demonstration are to simplify the budgeting of earned income and to provide APBE clients with a greater financial incentive to work and become self-supporting.
- b) All APBE applicants and recipients are included in this demonstration except for those in Champaign and Lake Counties in those locations participants will be randomly selected for participation. All APBE applicants and recipients and those who are assigned to the experimental group in Champaign and Lake Counties will have eligibility and the level of assistance determined by budgeting earned income in accordance with this Section. Those cases in Champaign and Lake Counties assigned to the control group will have eligibility and the level of assistance determined by budgeting earned income in accordance with 09 Ill. Adm. Code 1127 Subpart 67 as specified for the control group. Participants in the Homeless Families Support Project (see Section 170.300) are excluded from this demonstration.
- c) At the time of application for APBE, each employed applicant will be allowed a \$90.00 deduction from earned income. The remainder plus all other budgetable income will be compared to the payment level to determine eligibility.
- d) For employed recipients, all available income will be compared to the federal poverty level to determine continued eligibility. If eligible, one-third of each individual's earnings and all other budgetable income will be deducted from the family's payment level.

(Source: Emergency repeal at 21 Ill. Reg. 3620, effective July 1, 1997, for a maximum of 150 days)

SUBPART E: THE SCHOOL ATTENDANCE INITIATIVE

Section 170.300 School Attendance Initiative (Repealed)

EMERGENCY

- a) The Department is implementing a demonstration to improve children's attendance in elementary school.
- b) The demonstration will be available statewide where schools and social service networks are willing to participate. A small percentage of clients will be randomly assigned to serve as a control group for purposes of the waiver of federal requirements. These clients will not be subject to the sanction provisions referred to in subsection (g) of this Section.
- c) Participating elementary schools will identify children in grades one through six who receive APBE and who are not attending school regularly as defined by the school. If the schools cannot address the families' problems that appear to be resulting in irregular school

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- attendance they will refer the families to participating social service networks. The family will be notified in writing of the referral and the consequences for non-cooperation with the referral.
- d) Social Service Networks should be specifically equipped to address the causes of truancy at no cost to the family other than normal co-payment under existing programs.
- e) Upon referral, a social service network representative will assess the specific family situation and will develop a service plan with the family that will include getting the child to regularly attend school.
- f) Upon failure of the family to cooperate with the referral or with the service plan as determined by the social service provider, the family will be placed under a Protective Payee with the social service network representative acting as the payee for the family's APBE grant. The provisions of 09 Ill. Adm. Code 1127.10 shall otherwise apply.
- g) The Protective Payee will remain in effect until the family follows through with the service plan as determined by the social service provider. The Protective Payee may be discontinued during the months of June, July and August at the option of the service provider.
- h) If a protective payee plan referred to in subsection (e) of this Section has been in effect for at least three months and the child continues to regularly miss school as defined by the school, the grantee's portion of the APBE grant will be sanctioned in a two-parent household if the grantee is participating in the APBE JOBS program or is sanctioned for another reason, the other adult's portion of the grant will be sanctioned.
- i) The sanction will remain in effect until the child has demonstrated satisfactory school attendance as defined by the school.
- j) Sanctions will not be applied during the months of June, July and August except in the case of year-round schools.
- k) A sanction for non-cooperation with the Child Support Enforcement Program will supersede a sanction under this Section.

(Source: Emergency repeal at 21 Ill. Reg. 3620, effective July 1, 1997, for a maximum of 150 days)

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

Section 170.350 Family Accountability (Repealed)

EMERGENCY

- a) Effective January 1, 1996, cash assistance will not increase solely because of the birth of a child to any member of the assistance unit. The cash assistance shall be capped at the pre-birth payment level. This demonstration will be tested in selected local offices designated as research sites. Cases in the research sites will be assigned to experimental and control groups. Cases assigned to the experimental groups shall be subject to the Family Accountability Demonstration

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- provisions---Medicaid---coverage---food---stamps---and---child---care---are---not included in the cap;
- b) Cash assistance will not increase due to the birth of a child to any member of the assistance unit if an assistance unit fails to comply with eligibility requirements or an assistance unit voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months.
- c) An increase in the payment level due to the birth of a child to any member of the assistance unit is allowed if:
- 1) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy;
 - 2) for cases active as of January 1, 1996, the birth occurs within ten months after the date of implementation (by October 31, 1996);
 - 3) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payments months of ineligibility have passed before any reapptiation;
 - 4) the child was born while the parent or caretaker relative was on cash assistance; the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months;
 - 5) the child was born as a result of incest or forcible rape based on the statement of the woman which is corroborated by a third party; or
 - 6) the child (including all children in the case of multiple births) was born to a minor included in an APBC grant who became a first-time minor parent.
- d) In three-generation assistance units, if the minor parent in the assistance unit requests that they be made the grantee, the former caretaker relative or caretaker relatives cannot be included in the minor grantee's assistance unit as an essential person.
- e) The assistance unit may receive a general increase in the amount of aid that is provided to all recipients.

(Source: Emergency repeal at 21 Ill. Reg. 3620, effective July 1, 1997, for a maximum of 150 days)

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

Section 170.360 Get a Job Initiative (Repealed)
EMERGENCY

- a) The Department will operate GET-A-JOB as a statewide demonstration for five years beginning November 1, 1995. Some areas will be designated as research sites, where cases will be randomly assigned to an experimental or control group. Clients in these areas not in the

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- experimental group will not participate in GET-A-JOB.
- b) Selection of Participants
- At the time APBC cash assistance (Category 04 only) is approved, adults who are not exempt from participation in the APBC-JOB Program and who meet the following criteria will be assigned to GET-A-JOB. Exemption reasons in 89-III-Adm-Code-112.71 apply except for remoteness. Nonexempt adults will be selected if:
- 1) they are unemployed or employed and budgeted gross earnings are less than \$255 per month;
 - 2) their youngest child is age five through 12, and
 - 3) the adult:
 - A) has a high school diploma or GED;
 - B) has been employed within the last three months; or
 - C) is receiving unemployment insurance. (If) Benefits or has received UI within the last three months.
- c) APBC-JOBBS Orientation and Assessment
- 1) At application, potential GET-A-JOB participants will be identified during the APBC eligibility interview. The eligibility worker will inform the client about the APBC-JOBBS Program and explain GET-A-JOB participation requirements and available supportive services. The worker will provide the client with information and forms needed to begin participation in GET-A-JOB.
 - 2) The determination that the client meets the selection criteria for GET-A-JOB and the evaluation of the need for and arrangement of supportive services constitutes the initial APBC-JOBBS assessment for GET-A-JOB participants.
 - 3) Participants will not be approved for education or training programs while in GET-A-JOB.
- d) Participation Requirements
- 1) Unless they have good cause, participants must:
 - A) attend scheduled monthly job search meetings;
 - B) keep appointments with GET-A-JOB staff;
 - C) make a good faith effort to complete 20 employer contacts each month;
 - D) accept a bonafide offer of suitable employment; and
 - E) maintain employment and not voluntarily reduce earnings.
 - 2) Participants will remain in GET-A-JOB for six months or until they have budgeted earnings of at least \$255 per month, whichever comes first. Nonexempt participants will then be reassigned to other APBC-JOBBS components as slots are available.
 - 3) Participants will be placed in GET-A-JOB each time they are approved for APBC cash assistance and meet the selection criteria.
- e) Supportive Services
- Supportive services will be provided to assist participants in their job search.
- 1) Each participant will receive a monthly job search allowance of

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\$29--to--cover--the--cost--of--employer--contacts--including transportation--stamps--resumes--etc--No additional payment--for these costs--will--be--allowed.

- 2) Payment--for--child--care--and--initial--employment--expenses--will--be provided--as--needed--within--the--limits--stated--in--09--111--Adm--Code--112-02.

f) Sanctions

- 1) Conciliation--will--be--attempted--with--participants--who--fail--to--meet participation--requirements--(see--09--111--Adm--Code--112-77).
- 2) When--conciliation--is--unsuccessful--the--following--penalties--will--apply:

a) First--sanction--The--participant's--needs--will--be--removed from--the--grant--until--the--participant--agrees--to--cooperate.

b) Second--sanction--The--participant's--needs--will--be--removed from--the--grant--until--the--participant--agrees--to--cooperate--or for--three--months--whichever--is--longer.

c) Third--sanction--The--participant's--needs--will--be--removed from--the--grant--until--the--participant--agrees--to--cooperate--or for--six--months--whichever--is--longer.

d) Fourth--(or--more)--sanction--The--entire--grant--will--be discontinued--until--the--participant--agrees--to--cooperate--or for--six--months--whichever--is--longer.

- 3) When--a--participant--refuses--a--bonafide--offer--of--suitable employment--the--entire--grant--will--be--discontinued--until--the participant--becomes--employed--or--for--three--months--whichever--comes first--This--action--is--independent--of--the--four--level--progressive sanctions--described--in--subsections--(f)(1)-(4)--through--(f)(4)--of--this Section--it--does--not--count--in--the--progression--or--change--the order--of--these--four--sanctions.

(Source: Emergency repeal at 21 Ill. Reg. 8620, effective July 1, 1997, for a maximum of 150 days)

Section 170.370 Targeted Work Initiative (TWI) (Repealed)
EMERGENCY

a) Demonstration Status

The Department will operate the Targeted Work Initiative (TWI) as a statewide demonstration for five years beginning December 1995. Some areas will be designated as the research sites where cases will be randomly assigned to an experimental or control group. Clients in these areas who are not in the experimental group will not participate in TWI.

b) Selection of Participants

APBG and APBG-B cash recipients whose youngest child is age 13 or older shall be required to participate in TWI and must seek and accept employment as part of the APBG-B program unless the recipient has earned income or is exempt for one of the following reasons: (other

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APBG--09BS--exemption--reasons--listed--in--09--111--Adm--Code--112-71--do--not apply--to--the--TWI--population.

- 1) Is--temporarily--ill--or--chronically--ill.

A) An individual is temporarily ill when determined by the local office on the basis of medical evidence (for example a statement from a medical provider or on another sound basis that the illness or injury is serious enough to temporarily prevent the individual from engaging in employment or participating in 09BS. A sound basis for exemption from 09BS on a temporary basis includes but is not limited to: the observation of a cast on a broken leg or the client provides information of a scheduled surgery or recuperation from surgery. Minor ailments and injuries such as colds, broken fingers or rashes are not serious enough normally to exempt the individual under this criterion.

B) An individual is chronically ill or incapacitated as determined by the local office when a physician or licensed or certified psychologist finds that a physical or mental impairment either by itself or in conjunction with age or other factors prevents the individual from engaging in employment or participating in 09BS. This includes a 60-day period of recuperation after childbirth.

C) When an individual is determined either temporarily or chronically ill or incapacitated the exemption shall continue until further action is taken by the Department. When the exemption is initially granted the Department will establish a date as to when the condition warranting the exemption is expected to end or upon case review the exemption will be reevaluated to determine whether the individual continues to be exempt under the same procedures as for the initial determination of exemption with appropriate notice to the individual that the reevaluation is necessary.

- 2) The recipient provides full time care for another household member due to that person's medical condition or incapacity.

e) Time Limit on Receipt of Cash Assistance

1) Receipt of cash assistance by TWI participants shall be limited to 24 months. Months in which the participant has earnings or is exempt do not count toward the 24 month limit.

2) Beginning with the first month of the 24 month eligibility period the addition to the household of a child under age 13 or the birth of a child more than 10 months later shall not extend the 24 month period of eligibility.

3) After reaching the 24 month limit the participant shall be ineligible for cash assistance for a period of 24 months. When the participant is off APBG cash assistance for 24 consecutive months for any reason the 24 month period of eligibility will

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start-over:

- d) Participation-Requirements
During-the-24-month-eligibility-period, participants must cooperate with-the-requirements-of-the-APBE-GBBS-program-as-described-in-09-III-Adm-Code-112.72. Participants who fail-to-cooperate shall be subject to-sanction.
- e) Sanctions
- 1) Conciliation-(see-09-III-Adm-Code-112.77)-will-be-attempted with-participants-who-fail-to-meet-participation-requirements without-good-cause-(see-09-III-Adm-Code-112.86).
 - 2) When-conciliation-is-unsuccessful, the-following-penalties-will apply:
 - A) First-sanction-----the-participant's-needs-will-be-removed from-the-grant-until-the-participant-agrees-to-cooperate.
 - B) Second-sanction-----the-participant's-needs-will-be-removed from-the-grant-until-the-participant-agrees-to-cooperate-or-for-three-months, whichever-is-longer.
 - C) Third-sanction-----the-participant's-needs-will-be-removed from-the-grant-until-the-participant-agrees-to-cooperate-or-for-six-months, whichever-is-longer.
 - B) Fourth-(or-more)-sanction-----the-entire-grant-will-be-discontinued-until-the-participant-agrees-to-cooperate-or-for-six-months, whichever-is-longer.
 - 3) When-a-participant-refuses-a-bona-fide-offer-of-a-suitable employment-(see-09-III-Adm-Code-112.72(f)(3)-and-(4))-the-entire-grant-will-be-discontinued-until-the-participant-becomes-employed-or-for-three-months, whichever-comes-first. This-action is-independent-of-the-four-level-progressive-sanctions-described-in-subsections-(c)(2)(A)-through-(B)-of-this-Section. It--does-not-count-in-the-progression-or-change-the-order-of-these-four-sanctions.
 - 4) Months-during-which-the-participant-is-sanctioned-shall-count-as-part-of-the-24-month-eligibility-period-if-the-participant-would otherwise-have-received-cash-assistance.
- f) Component-Assignments-for-PWI-Participants
- 1) Initial-Component-Assignment
 - A) Participants-with-a-high-school-diploma-GBB-or-recent-work-history-will-initially-be-required-to-complete-eight-weeks-of-independent-Job-Search-followed-by-assisted-Job-Search.
 - B) Participants-who-have-neither-a-high-school-education-not-recent-work-history-will-initially-be-given-a-choice-of-independent-Job-Search-Job-Search-plus-job-training-or-GBB-Work-First
 - 2) Work-First
 - A) Participants-who-have-completed-their-appropriate-component-and-have-not-become-employed-after-12-months-will-be-assigned-to-Work-First.
 - B) Participants-in-Work-First-must-work-60-hours-per-month-in-an-assigned, subsidized-work-position. Their-APBE-grant

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- will-be-reduced-by-this-amount-(60-hours-x-minimum-wage)-they-will-be-paid-minimum-wage-by-the-employer-for-only the-number-of-hours-they-actually-work.
- e) Participants-in-Work-First-must-also-complete-20-hours-of-Job-Search-per-month.
- B) Participants-will-be-assigned-to-Work-First-until-they-find unsubsidized-employment-or-for-a-maximum-of-six-months, whichever-comes-first.
- E) Participation-in-Work-First-does-not-extend-the-24-month eligibility period.
- F) the-Department-will-develop-Work-First-positions-with private-employers-and-will-provide-Workers-Compensation coverage-for-participants.
- g) Supportive-Services
Participants-shall-be-provided-all-needed-supportive-services-as-described-in-09-III-Adm-Code-112.92.

(Source: Emergency repeal at 21 Ill. Reg. 8020, effective July 1, 1997, for a maximum of 150 days)

Section 170.380 Quarterly Reporting - Failure to Report Employment Demonstration Project (Repealed)

EMERGENCY

- a) This-Section-applies-to-APBE-applicants-and-recipients-Statewide except-for-applicants-and-recipients-in-the-following-local-offices:
- 1) Auburn-Park-(control-cases);
 - 2) Williamson-(control-cases);
 - 3) Rock-Island-(all-cases);
 - 4) Champaign-(all-cases);-and
 - 5) Lake-(all-cases).
- b) Cases-in-Auburn-Park-and-Williamson-will-be-randomly-assigned-to-an experimental-or-control-group-Cases-assigned-to-the-experimental group-are-subject-to-the-rules-in-this-Section.
- c) Eligible-in-this-demonstration-project-who-fail-to-report-their earnings-and-their-earnings-are-discovered-via-crossmatch-with-the Illinois-Department-of-Employment-Security-(IBES)-will-be-centrally cancelled-and-an-overpayment-referred-for-all-assistance-received-from the-first-month-of-the-IBES-quarter-identified-to-the-present. The client-will-be-given-timely-notification-of-the-action-taken.
- d) Each-assistance-unit-in-the-Quarterly-Reporting-Failure-to-Report Demonstration-Project-that-is-required-to-report-must-submit-a-written completed-report-form-to-the-Department-quarterly. The-information-to be-reported-will-be-regarding-the-assistance-unit's-income-assets, family-composition-and-other-factors-pertinent-to-APBE-eligibility-for the-budget-month-and-any-changes-in-these-factors-which-the-unit expects-to-occur-in-the-current-or-future-months.
- e) The-assistance-units-which-must-report-are-units-which-contain-a

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member who is employed or who has lost employment within the last three months:

f) All APBG units which must report quarterly shall have benefits calculated for three months by considering income and attendant circumstances on a prospective basis.

g) Earnings shall be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for a three-month period.

h) Clients who experience a decrease in income below the amount anticipated may be eligible for a supplemental payment. A supplemental payment must be requested in writing. Eligibility for a supplemental payment may exist if the gross earned (minus self-employment business expenses, if any) and unearned income (includes the assistance payment received from all sources for the payment month is less than the payment level for an assistance unit of comparable size. If these conditions are met, the amount of supplemental payment the client is eligible to receive if any is determined by adding the gross earned income (minus self-employment business expenses and the 2/3 earned income deduction) and the gross unearned income (includes the assistance payment) received in the payment month. This amount is subtracted from the payment level for an assistance unit of comparable size. If the difference is \$10 or more, the client is eligible for a supplemental payment. The supplemental payment the client is eligible for is the amount of the difference.

i) Clients who experience an increase in income above the amount anticipated will not be referred for an overpayment based on the increased income.

j) At intake, actual amount of income received in the initial prorated entitlement (1st) period will be used to determine the IPB amount. The first regular roll payment amount will be computed using income averaging.

k) When the completed quarterly report is received, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. If the APBG grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived.

l) If the Department does not receive the quarterly report or receives only an incomplete report, APBG may be terminated. The Department must send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed report on time. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated if a hearing is

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requested on or before the date of change or within ten calendar days after the date of notice, whichever is later, assistance will be reinstated to the level of the prior month.

m) If a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the entire three-month period will be determined. If eligible, all the applicable earned income disregards will be allowed for the entire three-month period.

n) If a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the month of receipt and the third month, if applicable, will be determined. Eligibility for a cash payment for the first payment month of the three-month period shall not exist. The client will be allowed all the applicable earned income disregards for those months for which eligibility is determined.

o) All APBG caretaker relatives who are required to file quarterly reports will be notified of their responsibility to receive a complete explanation of the requirements and be informed of the due date for the first report.

p) For all applicants and recipients except for those in control cases in Auburn Park and Williamson, one vehicle regardless of its value, will be disregarded for purposes of determining the eligibility or cash grant amount of the APBG unit.

(Source: Emergency repeal at 21 Ill. Reg. _____, effective July 1, 1997, for a maximum of 150 days)

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

Section 170.390 Employment Plan Demonstration Project (Repealed)

EMERGENCY

a) The Department shall advise every applicant and recipient of:

- i) the requirement that all recipients move toward self-sufficiency; and

- 2) the value and benefits of employment.

b) As a condition of eligibility for the entire assistance unit, adult applicants must prepare, sign and submit a personal plan for achieving employment. Active adult recipients who have not previously prepared, signed and submitted a personal plan for achieving employment must do so. Department staff shall assist each client in completing the plan. If the client requests such assistance, this condition of eligibility applies to all adult applicants and recipients of cash assistance except those who have good cause for not completing the plan. Good cause exists only if the applicant or recipient is employed 20 or more hours per week.

e) The employment plan form includes the following:

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- 1) job-history;
 2) job-preferences; and
 3) job-search-plans.
 d) This-section-applies-to-all-APBE-applicants-and-recipients-except--for those-in-cases-designated-as-control-cases-in-research-sites.

(Source: Emergency repeal at 21 Ill. Reg. 3620, effective July 1, 1997, for a maximum of 150 days)

SUBPART I: DASA/DPA SUBSTANCE ABUSE INITIATIVE

Section 170.500 DASA/DPA Substance Abuse Initiative (Repealed)

EMERGENCY

- a) All-designated-adult-APBE-R-and-APBE-Y-clients-living-in-demonstration project--areas--(Kenwood--Oakland--Peoria--Pershing--and-Winnebagot) identified-as-having-an-alcohol-or--substance-abuse--problem--(see--77 Ill--Adm--Code--3060)--Alcoholism--and-Substance-Abuse-Treatment-and Intervention-Licenses)--must-participate-in-an-alcohol-or--substance abuse--treatment-program--as-a-condition-of-eligibility;--unless-the adult-is-employed-30-hours-per-week--or--more--APBE-cases--in-the demonstration-project--area--are--assigned-to-experimental-or-control groups--The-adults-in-the-experimental-cases-meeting-the-criteria-are subject-to-this-policy.
 b) Failure-to-participate--without-good-cause--in-an-alcohol-or-substance abuse-treatment-program--when-there-is-a-currently-available-treatment slot--will-result-in-progressive-sanction-or-sanctions-for-the-adult.
 1) First-sanction--The-client-is-deleted-from-the-cash-grant--until cooperation--as-defined-by-BASA.
 2) Second-sanction--The-client-is-deleted-from-the-cash-grant-for three-months-or-until-cooperation--as-defined-by-BASA--whichever is-longer.
 3) Third--and--subsequent-sanctions--The-client-is-deleted-from-the cash-grant-for-six-months-or-until-cooperation--as--defined--by BASA--whichever-is-longer.
 c) Supportive--services--will--be--provided--to--enable--the--client--to participate-in-the-alcohol-or-substance-abuse-treatment-program.
 d) Audits-in-the-experimental-cases-who-must-participate-in-an-alcohol-or substance-abuse-treatment-program-as-a-condition-of-eligibility--are 30BS-mandatory--For-these-individuals--the-exemption-criteria-listed in-Section-112-71-do-not-apply.
 e) The-provisions-of-this-Section-are--subject--to--receipt--of--federal waivers.

(Source: Emergency repeal at 21 Ill. Reg. 3620, effective July 1, 1997, for a maximum of 150 days)

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- 1) Heading of the Part: General Administrative Provisions
 2) Code Citation: 89 Ill. Adm. Code 101
 3) Section Numbers: Emergency Action:
 101.20 Amendment
 101.30 Amendment
 101.40 Amendment
 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193)
 5) Effective Date of Amendments: July 1, 1997
 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
 7) Date Filed in Agency's Principal Office: July 1, 1997
 8) Reason for Emergency: These emergency amendments are necessary to comply with the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) which changed the way income support is provided to families in the United States. Each state is responsible for developing a plan to provide help for needy families. In Illinois, the program will be called Temporary Assistance for Needy Families or TANF.
 TANF will replace the Aid to Families with Dependent Children (AFDC) program beginning July 1, 1997. These emergency amendments are necessary to implement TANF effective July 1, 1997. 305 ILCS 5/12-13.05, as added by Section 10 of Public Act 90-17, allows the use of emergency rulemaking to implement these changes.
 9) Complete Description of the Subjects and Issues Involved: Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. A State plan has been developed to provide temporary assistance for needy families in accordance with the Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered

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welfare in Illinois in recent years and provided the impetus for tens of thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These emergency amendments make changes in the definitions and other general administrative provisions in connection with TANF.

- 10) Are there any Proposed Amendments pending to this Part? No
- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.
- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-0081

The full text of the Emergency Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 101

GENERAL ADMINISTRATIVE PROVISIONS

Section

101.1 Incorporation By Reference

101.10 Applicability

101.20 Definitions

EMERGENCY

101.30 Assistance Programs

EMERGENCY

101.40 Assistance Program Restrictions

EMERGENCY

AUTHORITY: Implementing Articles I and II and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I and II and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency amendment at 2 Ill. Reg. 5, p. 194, effective January 23, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 19, p. 108, effective May 1, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 25, p. 50, effective June 24, 1978; amended at 2 Ill. Reg. 33, p. 27, effective August 17, 1978; amended at 3 Ill. Reg. 43, p. 196, effective October 15, 1979; emergency amendment at 4 Ill. Reg. 1, p. 78, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 23, p. 80, effective May 23, 1980; amended at 5 Ill. Reg. 1369, effective January 29, 1981; peremptory amendments at 5 Ill. Reg. 10072, 10076 and 10079, effective October 1, 1981; amended at 5 Ill. Reg. 12728, effective November 1, 1981; codified at 7 Ill. Reg. 5195; amended at 13 Ill. Reg. 3897, effective March 17, 1989; emergency amendment at 19 Ill. Reg. 10220, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15676, effective November 3, 1995; emergency amendment at 21 Ill. Reg. 1303, effective July 1, 1997, for a maximum of 150 days.

Section 101.20 DefinitionsEMERGENCY

"AABD." Aid to the Aged, Blind or Disabled--financial assistance and medical assistance available to individuals who have been determined to be aged, blind or disabled as defined by the Social Security Administration.

"Adequate Consideration." The receipt of goods, monies or services at least in the amount of the fair market value of the property sold.

"Adult Cases." A case in which no child is included in the assistance

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unit.

"Adverse Action." Any action which reduces food stamp benefits or terminates participation in the food stamp program within a certification period.

"AFDC." Aid to Families with Dependent Children--financial assistance and medical assistance available to families with one or more dependent children or in behalf of dependent children placed in foster care by the Department of Children and Family Services (DCFS).

AFDC-F: Medical Assistance for an eligible child under DCFS guardianship.

APBE-R:--Based-on-the-death-absence-or-incapacity-of-a-parent-

APBE-U:--Based-on-unemployment-of-parent-

"Agency Error." An action or inaction of the Department resulting in assistance benefits being furnished to or in behalf of a client for which the client is not eligible.

"Applicant." An individual requesting assistance by completion of a signed, written application form or a person in whose behalf a signed written application form is completed requesting assistance.

"Application." A request for assistance by means of a completed, signed designated form. For food stamp purposes, only a name, address and signature are needed on the form.

"Assistance Unit." The individual or individuals living together for whom the Department determines eligibility and, if eligible, provides financial and/or medical assistance as one unit.

"Care:--As-a-basis--for--the--deprivation--factory-nurture--such-as supervision-and-training-housekeeping-laundry-and-meal-preparation needed--by--a--child--and--given-to-the-child-by-a-mother--a-father-or another-capable-and-willing-person-

"Caretaker Relative." A relative, as specified below, with whom a child must live to be eligible for TANF APBE and who is providing care, supervision and a home for the child.

Blood or adoptive relatives within the fifth degree of kinship:

Father - Mother	
Brother - Sister	
Grandmother - Grandfather	(including up to great-great-great)

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Uncle - Aunt (including up to great-great)

Nephew - Niece (including up to great-great)

First Cousin

First Cousin once removed (child of first cousin)

Second Cousin (child of great-aunt/uncle)

Step-Relatives:

Step-Father - Step-Mother

Step-Brother - Step-Sister

Person who is or has been married to one of the above relatives.

"Categorical Assistance Programs." TANF APBE, AABD and related MANG programs.

"Categorically Eligible." The meeting of all eligibility requirements for a categorical assistance program other than financial needs.

"Certification For Food Stamps." Authorization of eligibility of a household for the food stamp program.

"Certification Period." The period of time for which a household is authorized to participate in the food stamp program.

"Certifying Office." The IDPA local office or General Assistance unit office responsible for certification of food stamp program participants.

"Child and Family Assistance Case." A General Assistance case in which case eligibility is based on pregnancy or the presence of an eligible child.

"Client." The adult in the family or unit applying for assistance or receiving assistance on behalf of the family An--applicant---or recipient.

"Client Error." A client's mistake, misunderstanding, misrepresentation or concealment of information or failure to report information promptly which results in financial and/or medical assistance being paid to or in behalf of a recipient for which the recipient is not eligible.

"Correspondent." A specific individual who has been legally designated to handle the affairs of another individual, that is, parents, court appointed guardian or conservator.

"Coupon Allotment." The total dollar value of the food stamp coupons that a household is authorized to receive.

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"DCFS." Illinois Department of Children and Family Services.

"Department." The Illinois Department of Public Aid.

"Dependent Child." A child age 18 or under who is living with a relative deprived--in-whole-or-in-part-of-parental-support-or-care-by reason-of-death-of-a-parent,-the-incapacity-of-a-parent,-the-continued absence-of-a-parent-or-parents-or-the-unemployment-of--a--parent. If age 18, the child must be a full-time high school (or equivalent) student expected-to-complete-the-program-before-reaching-age-19.

"Disbursing Order." An invoice voucher form given to a client authorizing a vendor to provide specified goods and/or services.

"Disposition of an Application." The determination of eligibility or ineligibility.

"Diverted Income." Earned or unearned income of a parent used to meet the needs of ineligible person or persons, including the parent, their dependent child or children or their spouse.

"DMHDD." Illinois Department of Mental Health and Developmental Disabilities.

"DOC." Illinois Department of Corrections.

"DOL." Illinois Department of Labor.

"DORS." Illinois Department of Rehabilitation Services.

"Earmarked Income." Income restricted for the use of an individual by court order or by legal stipulation of a contributor. Only income of a child may be considered earmarked for Departmental purposes. The income of an eligible ~~a~~ child who has siblings in the home receiving ~~TANF APPE~~ financial assistance cannot be earmarked.

"Earned Income." Remuneration derived through the receipt of wages or salary for services performed as an employee or profits from activity in which the individual is self-employed.

"Effective Date." The date for which case action is authorized.

"Enrolled MANG Participant." person or unit meeting the nonfinancial factors of eligibility.

"Established Twelve-Month Period." The period of 12 calendar months over which income is compared to the applicable MANG standard.

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"Expedited Issuance." Authorization of food stamp benefits after the household has been determined to be destitute or to have zero net income.

"Expedited Service." An immediate processing of a food stamp application and determination of eligibility for expedited issuance.

"FCS." The Food and Consumer Service of the United States Department of Agriculture.

"Final Administrative Decision." A decision made by the Department as a result of an appeal. It either upholds or reverses the appealed action or determines a lack of jurisdiction.

"Financial Assistance." Public Assistance paid in the form of a cash benefit warrant to a recipient for income maintenance needs. Medical assistance and food stamp benefits are ~~is~~ not considered financial assistance.

"Financial Factors of Eligibility." Income, assets and Department levels standards of assistance.

"Financially Eligible." The meeting of all financial factors of eligibility.

"Fiscal Month." Begins on a given day in one calendar month and ends on the day prior to the same given day in the next calendar month.

"Food Coupons." Same as food stamps.

"Food Stamp Benefits." The cash value of benefits amount--of--coupons which a food stamp unit household receives from the program.

"Food Stamp Employment and Training." Employment and training program for food stamp recipients.

"Food Stamp Household or Unit." For purposes of the food stamp program, a household or unit is defined as any of the following:

An individual living alone;

An individual living with others but customarily purchasing food and preparing meals for home consumption separate and apart from others;

A group of individuals who live together and customarily purchase food and prepare meals together for home consumption or who, because of their relationship, are required to qualify for food

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stamps as a unit.

"Full-Time Employment." Employment of 30 to 40 hours per week month or more.

"GA." General Assistance -- financial and medical assistance available to eligible needy families or individuals who are ineligible to receive assistance through a categorical assistance program or Federal Assistance Program.

"GA Community Work and Training Program." A program, applicable to GA outside the City of Chicago only, designed to increase employability of General Assistance recipients through constructive work experience, adult education, vocational training and gainful employment.

"Grant." The total amount of a monthly financial assistance payment.

"Grant Cases." Public assistance cases authorized for financial assistance payments to the recipient.

"Head of Household." The person in whose name application is made for participation in the food stamp program. This person is normally the individual who is the household's primary source of income.

"Health Maintenance Organization (HMO)." Licensed by the Illinois Department of Insurance as a non-profit incorporated agency whose purpose is to provide preventive health care and medical services.

"Healthy Kids." Early and periodic screening, diagnosis and treatment services provided to children from birth through 20 years of age.

"Hearing." The actual presentation and consideration of the issue under appeal before a hearing officer of the Department.

"HIB." Hospital Insurance Benefits provided by Title XVIII of the Social Security Act (Medicare) (42 U.S.C. 1395 et seq.).

"Initial Prorated Entitlement (IPE)." Financial Assistance to cover the period from the initial point of eligibility (application for assistance or initial needs of a person being added to the assistance unit) through two days after the mailing date of the first regular monthly assistance warrant.

"In-Kind Income." Income received by or paid in behalf of an individual in a form other than money.

"Interim Assistance." Assistance furnished to or in behalf of an individual financed totally from State and/or local funds for basic

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maintenance needs and furnished during the period beginning with the month in which the individual filed an application for Supplemental Security Income (SSI) and for which such individual was found eligible.

"Intermediate Care Facility (ICF)." Provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long term illnesses or disabilities which may have reached a relatively stable plateau.

"Intermediate Care Facility For the Mentally Retarded (ICF/MR)." Provides primarily for ambulatory adults with developmental disabilities and addresses itself to the needs of mentally retarded and/or with related conditions. Such facilities are for residents who have physical, intellectual, social and emotional needs.

~~"JOBS Program (Job Opportunities and Basic Skills Training Program) - Department of Public Aid's employment and training programs for APDC recipients."~~

"JTPA." Job Training Partnership Act.

"Local Governmental Unit." Every county, city, village, incorporated town or township charged with the duty of providing public aid under General Assistance and County Veterans Assistance Commissions providing assistance to indigent war veterans and their families.

"Local Office." Department of Public Aid offices which serve clients living within a designated geographical area.

"Lump-Sum Payment." An extraordinary or non-recurring income payment received by a client.

"MAG." Medical Assistance Grant cases -- medical assistance paid on behalf of a recipient of financial assistance.

"MANG." Medical Assistance No Grant cases -- medical assistance paid on behalf of a recipient of categorical assistance who is not receiving financial assistance.

"MANG(AABD)." Medical assistance available to individuals who have sufficient income and assets to meet all maintenance needs other than medical care and who are receiving Supplemental Security Income benefits or who are determined to be aged, blind or disabled by the Department of Public Aid.

"MANG(C)." Medical Assistance to Needy Families with Dependent

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Children -- available to families with one or more **dependent** children who would qualify for TANF ~~APPE~~ on the basis of non-financial eligibility factors but have sufficient income and assets to meet all maintenance needs other than medical care.

"Medicaid." Medical assistance issued by the Department under provisions of Title XIX of the Social Security Act (42 U.S.C. 1396); MAG and MANG.

"Medical Assistance." Medicaid.

"Medicare." Payment for medical care under the provisions of Title XVIII of the Social Security Act.

"Medichek." Early and periodic screening diagnosis and treatment services provided to children from birth through 20 years of age.

"MediPlan Card." A document which identifies individuals for whom the Department will pay for essential medical services and supplies.

"Migrant Worker." Any person residing temporarily in and employed in Illinois who moves seasonally from one place to another for the purpose of employment in agricultural activities, including the planting, raising or harvesting of any agricultural or horticultural commodities and the handling, packing or processing of such commodities on the farm where produced or at the point of first processing.

~~"Needy-Relative."---A-relative-of-the-dependent-child, other than the caretaker relative, whose presence is essential in the home to provide care for the eligible child and who has need--as determined--by--the Department standards.~~

"OASDI." Old Age, Survivors, and Disability Insurance -- often termed "Social Security".

"OJT." On the Job Training programs sponsored through the TANF or AFDC JOBS Program, Food Stamp Employment and Training Program or JTPA.

"Participant." A person taking part in the food stamp program or a Departmental employment and training program.

"Prepaid Health Plan." An organized system of health care responsible for providing or assuring the delivery of comprehensive health maintenance and treatment services to a voluntarily enrolled population.

"Recipient." An individual who receives benefits under an assistance

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program.

"Skilled Nursing Facility (SNF)." A group care facility licensed by the Illinois Department of Public Health which provides skilled nursing care, continuous skilled nursing observations, restorative nursing and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during reoccurrences of symptoms in long-term illness.

"Skilled Nursing Facility for Pediatrics (SNF/PED)." A group care facility licensed by the Illinois Department of Public Health which provides nursing care and habilitative and/or rehabilitative care to children under eighteen years of age. Such facilities are for residents primarily diagnosed mentally retarded or having related conditions.

"SMIB." Supplementary Medical Insurance Benefits -- coverage provided under Title XVIII of the Social Security Act for medical services other than hospitalization.

"Specified Relative." Same as caretaker relative.

"Spendedown." The amount by which a client's nonexempt income during the eligibility period exceeds the MANG income and asset standards.

"SSA." The Social Security Administration -- of the Department of Health and Human Services.

"SSI." Supplemental Security Income -- a program administered by the Social Security Administration providing monthly aid to Aged, Blind and Disabled individuals.

"Student." An individual who is enrolled at least half time (as defined by the institution) in any grade school, high school, vocational school, technical school, training program or institution of higher education. Enrollment in a mail, self-study or correspondence course does not meet the definition of a student.

"Supervision." Exercising of responsibility for the child's welfare by the caretaker.

~~"TANF." Temporary Assistance for Needy Families. Financial and medical assistance available to families with one or more dependent children.~~

"Temporary Caretaker." Another individual temporarily acting as a

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caretaker (not included in the assistance unit) when no specified relative is available.

"UI." Unemployment Insurance Benefits.

"Unearned Income." All income other than earned income.

"Utilization Control." Evaluation and review by the Department of a recipient's need for care facility, and certification of a patient's need for care by physicians, DHDD staff and Department of Public Health.

"Vendor Payment." Direct payment to vendors for items or services provided to clients.

"Work and Basic Skills Training Program." The Department's employment and training program for TANF recipients.

"Work Experience." A Department program which provides experience in a job.

(Source: Emergency amendment at 21 Ill. Reg. 2033, effective July 1, 1997, for a maximum of 150 days)

Section 101.30 Assistance ProgramsEMERGENCY

a) The types of assistance programs administered by the Illinois Department of Public Aid include: financial assistance, medical assistance and food stamps.

b) Financial Assistance Programs -- consists primarily of direct cash payments to recipients. The various financial assistance programs are:

- 1) Aid to the Aged, Blind or Disabled--State Supplemental Payment
For aged, blind or disabled persons.
- 2) Temporary Assistance for Needy Families Aid--to-Families-with-Dependent-Children
A) For families with one or more dependent children.
B) AFDC-shall-include-AFDC-R-and-AFDC-U.

i) AFDC-R
For-families-with-one-or-more-dependent-children-whose-dependency-is-based-on-the-death-absence-or-incapacity-of-a-parent.

ii) AFDC-U
For-families-with-one-or-more-dependent-children-whose-dependency-is-based-on-the-unemployment-of-one-of-the-parents.

3) Refugee Resettlement Program (RRP) For refugees from any

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country.

4) Repatriate Program
For United States citizens and their dependents returned from a foreign country by the U.S. Department of State.

5) General Assistance

For individuals and families who do not qualify for assistance under the Aid to the Aged, Blind or Disabled (AABD)-State Supplemental Payment (SSP), Temporary Assistance for Needy Families (TANF) Aid-to-Families-with-Dependent-Children-(AFDC) or federal Supplement Security Income (SSI) programs and who meet GA program requirements.

c) Medical Assistance -- under which payments are made to medical providers for services provided to recipients.

1) Medicaid

For persons eligible for financial assistance under the AABD-SSP and TANF AFDC programs and for individuals not eligible for financial assistance but who meet the requirements of those programs for medical assistance only. This includes pregnant women of any age with no other dependent children who would be eligible for TANF AFDC or MANG (CR) if the child had already been born. Medicaid is provided under the AFDC-F program for children under DCFS guardianship who have been placed in licensed foster care or in the home of a relative.

2) Healthy Kids

A preventative health program for all clients who are under 21 years of age and who are receiving AFDC, AABD, RRA, GA, or MANG or TANF. Through Healthy Kids, persons are given periodic screening examinations at certain ages from birth through age 20. The screening is to diagnose and treat health problems at an early stage.

3) General Assistance Medical

For persons receiving financial benefits under the GA program.
d) Food Stamps -- provides increased food purchasing benefits to recipients. Food Stamp benefits are available to individuals who meet the eligibility requirements of the Food and Nutrition Service of the U.S. Department of Agriculture in accordance with the Food Stamp Act of 1977 (7 U.S.C. 2017 et seq.).

e) Title IV-D -- attempts to collect child support payments from absent parents in behalf of children receiving assistance. The Department enlists the cooperation of the caretaker relative in identifying, locating and securing support from an absent parent or parents or putative father. Such support received is subsequently paid directly to the Department.

(Source: Emergency amendment at 21 Ill. Reg. 2033, effective July 1, 1997, for a maximum of 150 days)

Section 101.40 Assistance Program Restrictions

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EMERGENCY

- a) An individual shall be eligible to receive financial assistance under only one of the following types of assistance programs at any one time:

- 1) Categorical Assistance (TANF APBE or AABD),
 - 2) General Assistance, or
 - 3) Assistance to Refugees, Entrants and Repatriates.
- b) An individual shall be eligible to receive financial and medical assistance in only one case under one assistance program, at any one time, except:

- 1) An individual who currently receives Categorical Assistance from another State and has established Illinois residence (in accordance with 89 Ill. Adm. Code 112.20, 113.20, 114.20, 120.211, 120.311, or 121.21) may receive Supplemental Categorical Assistance in Illinois when the amount of the Illinois assistance payment level to which the individual is entitled exceeds the amount received from the other State, if the excess is at least \$10.00.

- 2) An individual who is currently receiving General Assistance shall be eligible to receive GA during the pendency of an application for Categorical Assistance or to receive the difference between the amount of the GA grant and the amount of the Categorical Grant for the month in which the individual is determined eligible for Categorical Assistance.

- 3) A--pregnant-woman-who-is-receiving-medical-assistance-MANG(e)-may also-receive-a-General-Assistance-grant-if-otherwise-eligible-

- 4) A-child-under-18-is-guardianship-who-has-been-placed-in--the--home of--a--relative--not-licensed-for-foster-care-may-receive-medical assistance-under-APBE-P-and-financial-assistance-under-APBE-R-

- c) An individual shall not be eligible to receive food stamps as a member of more than one household at any one time.

(Source: Emergency amendment at 21 Ill. Reg. 8651, effective July 1, 1997, for a maximum of 150 days)

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- 1) Heading of the Part: General Assistance

- 2) Code Citation: 89 Ill. Adm. Code 114

- 3) Section Numbers:
 114.201 Amendment
 114.223 Amendment
 114.226 Amendment
 114.230 Amendment
 114.251 Amendment
 114.252 Amendment
 114.350 Amendment
 114.351 Amendment
 114.352 Amendment
 114.353 Amendment
 114.402 Repeal
Emergency Action:

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193)

- 5) Effective Date of Amendments: July 1, 1997

- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

- 7) Date Filed in Agency's Principal Office: July 1, 1997

- 8) Reason for Emergency: These emergency amendments are necessary to comply with the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) which changed the way income support is provided to families in the United States. Each state is responsible for developing a plan to provide help for needy families. In Illinois, the program will be called Temporary Assistance for Needy Families or TANF.

TANF will replace the Aid to Families with Dependent Children (AFDC) program beginning July 1, 1997. These emergency amendments are necessary to implement TANF effective July 1, 1997. 305 ILCS 5/12-13.05, as added by Section 10 of Public Act 90-17, allows the use of emergency rulemaking to implement these changes.

- 9) Complete Description of the Subjects and Issues Involved: Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. A State plan has been developed

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to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for tens of thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These emergency amendments revise General Assistance provisions in connection with TANF.

10) Are there any Proposed Amendments pending to this Part? Yes

Sections	Proposed Action	Illinois Register Citation
114.452	Amendment	January 17, 1997 (21 Ill. Reg. 809)
114.454	Amendment	January 17, 1997 (21 Ill. Reg. 809)
11) <u>Statement of Statewide Policy Objectives:</u>	These emergency amendments do not affect units of local government.	
12) <u>Information and questions regarding these Emergency Amendments shall be directed to:</u>	<p>Judy Umunna Bureau of Rules and Regulations Illinois Department of Public Aid 100 South Grand Avenue East, Third Floor Springfield, Illinois 62762 (217) 524-0081</p>	

The full text of the Emergency Amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section	Description of the Assistance Program
114.1	Determination of Not Employable
114.2	Advocacy Program for Persons Receiving State Transitional Assistance
114.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	Client Cooperation
114.9	Citizenship
114.10	Residence
114.20	Age
114.30	Relationship
114.40	Living Arrangement
114.50	Social Security Numbers
114.52	Work Registration Requirements (Outside City of Chicago only)
114.60	Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)
114.61	Job Service Registration (Outside City of Chicago only)
114.62	Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
114.63	Responsibility to Seek Employment (Outside City of Chicago only)
114.64	Initial Employment Expenses (Outside City of Chicago only)
114.70	Downstate General Assistance Work and Training Programs
114.80	Downstate General Assistance - Food Stamps Employment and Training Pilot Project
114.85	Project Chance Participation/Cooperation Requirements (Renumbered)
114.90	General Assistance Jobs Program (Repealed)
114.100	

SUBPART C: PROJECT ADVANCE

Section	Project Advance
114.108	Project Advance Participation Requirements of Adjudicated Fathers
114.109	Project Advance Cooperation Requirements of Adjudicated Fathers
114.110	Project Advance Sanctions
114.111	Project Advance Good Cause for Failure to Comply
114.113	Individuals Exempt From Project Advance
114.115	

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114.117	Project Advance Supportive Services
SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS	
Section	Employment and Training Requirements
114.120	Persons Required to Participate in Project Chance (Repealed)
114.121	Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
114.122	Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)
114.123	Employment and Training Participation/Cooperation Requirements (Repealed)
114.124	Employment and Training Program Orientation (Repealed)
114.125	Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)
114.126	Employment and Training Program Components (Repealed)
114.127	Employment and Training Sanctions (Repealed)
114.128	Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)
114.129	Employment and Training Supportive Services (Repealed)
114.130	Conciliation and Fair Hearings (Repealed)
114.135	Employment Child Care (Repealed)

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section	Unearned Income
114.200	Budgeting Unearned Income
114.201	Budgeting Unearned Income
EMERGENCY	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.202	Initial Receipt of Unearned Income
114.203	Termination of Unearned Income
114.204	Exempt Unearned Income
114.210	Education Benefits
114.220	Unearned Income In-Kind
114.221	Earmarked Income
114.222	Lump-Sum Bump-Sum Payments
114.223	Protected Income
EMERGENCY	Earned Income
114.224	Budgeting Earned Income
114.225	Budgeting Earned Income
114.226	Budgeting Earned Income
EMERGENCY	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.227	Initial Employment
114.228	

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114.229	Termination of Employment
114.230	Exempt Earned Income
EMERGENCY	Recognized Employment Expenses
114.235	Income From Work/Study/Training Program (Repealed)
114.240	Earned Income From Self-Employment
114.241	Earned Income From Roomer and Boarder
114.242	Earned Income From Rental Property
114.243	Earned Income In-Kind
114.244	Payments from the Illinois Department of Children and Family Services
114.245	Budgeting Earned Income For Contractual Employees
114.246	Budgeting Earned Income For Non-contractual School Employees
114.247	Assets
114.250	Exempt Assets
114.251	Asset Disregards
EMERGENCY	Deferral of Consideration of Assets (Repealed)
114.260	Property Transfers (Repealed)
114.270	Supplemental Payments
114.280	

SUBPART F: PAYMENT AMOUNTS

Section	Payment Levels for General Assistance
114.350	Payment Levels in Group I Counties
EMERGENCY	Payment Levels in Group II Counties
114.351	Payment Levels in Group III Counties
EMERGENCY	Payment Levels in Group III Counties
114.352	Payment Levels in Group III Counties
EMERGENCY	Payment Levels in Group III Counties
114.353	

SUBPART G: OTHER PROVISIONS

Section	Persons Who May Be Included In the Assistance Unit
114.400	Eligibility of Strikers
114.401	Special Needs Authorizations (Repealed)
114.402	Institutional Status
EMERGENCY	Retrospective Budgeting
114.403	Budgeting Schedule
114.404	Limitation on Amount of General Assistance to Recipients from Other States
114.405	Redetermination of Eligibility
114.406	Extension of Medical Assistance Due to Increased Income from Employment

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114.440 Attorney's Fees for VA Appellants
114.442 Attorney's Fees for SSI Applicants

SUBPART H: CHILD CARE

Section

114.450 Child Care
114.452 Child Care Eligibility
114.454 Qualified Provider
114.456 Notification of Available Services
114.458 Participant Rights and Responsibilities
114.462 Additional Service to Secure or Maintain Child Care Arrangements
114.464 Rates of Payment for Child Care
114.466 Method of Providing Child Care

SUBPART I: TRANSITIONAL CHILD CARE

Section

114.500 Transitional Child Care Eligibility
114.504 Duration of Eligibility for Transitional Child Care
114.506 Loss of Eligibility for Transitional Child Care
114.508 Qualified Provider
114.510 Notification of Available Services
114.512 Participant Rights and Responsibilities
114.514 Child Care Overpayments and Recoveries
114.516 Fees for Service for Transitional Child Care
114.518 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12,

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p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill.

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Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at

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16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective November 13, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January 15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 6814, effective April 21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3436, effective February 28, 1994; amended at 18 Ill. Reg. 7390, effective April 29, 1994; amended at 18 Ill. Reg. 12839, effective August 5, 1994; emergency amendment at 19 Ill. Reg. 8434, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15058, effective October 17, 1995; emergency amendment at 20 Ill. Reg. 4445, effective February 28, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9970, effective July 10, 1996; emergency amendment at 21 Ill. Reg. 682, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7413, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8652, effective July 1, 1997, for a maximum of 150 days.

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section 114.201 Budgeting Unearned Income

EMERGENCY

- Budgeting is the method by which nonexempt non-exempt income (see Sections 114.210 and 114.230 for exempt income) is compared to the applicable payment levels (as contained in Sections 114.350 and 114.351 to 114.353) plus--additional--specific--needs--(see-Section 114.462) to determine the amount of the monthly assistance payment for the assistance unit.
- Monthly unearned income of a client is budgeted on the basis of the income which the client reports as received during the budget month (see Section 114.404).
- If a recipient has more than one source of unearned income, the monthly income shall be calculated from all nonexempt non-exempt sources.

(Source: Emergency amendment at 21 Ill. Reg. 8652, effective July 1, 1997, for a maximum of 150 days)

Section 114.223 Lump-Sum Lump-Sum Payments

EMERGENCY

- Income received either in the form of a one-time only, payment that

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does not continue on a regular basis or in the form of a retroactive payment for income that continues on a regular basis is considered nonrecurring lump-sum lump-sum income (i.e.: a lump-sum lump-sum payment). Examples of nonrecurring non-recurring lump-sum lump-sum income are retroactive social security payments, retroactive unemployment insurance benefits, personal injury settlements, workers compensation injury settlements, lottery winnings, inheritances and insurance settlements.

b) Any portion of the lump-sum lump-sum payment used to pay for expenses incurred as a result of the lump-sum lump-sum payment shall be exempt from consideration as nonrecurring non-recurring lump-sum lump-sum income as follows:

1) Personal Injury Settlement - That portion of a personal injury payments is exempt which is used to pay for:

- A) necessary costs of litigation or settlement, including attorney's fees;
- B) the Department's charge (See 89 Ill. Adm. Code Section 102.260);
- C) medical costs resulting from the injury and paid by the client;
- D) expenses to repair or replace personal property which was damaged as a result of the injury.

2) Workers' Compensation Payment - That portion of a Workers' Compensation payment is exempt which is used to pay for:

- A) necessary costs of litigation or settlement, including attorney's fees;
- B) medical costs resulting from the injury and paid by the client.

3) Insurance Payments

A) Insurance Payments - That portion of an insurance payment received due to loss is exempt when used to:

- i) Repair or replace a lost or damaged resource including but not limited to repair or replacement of home, furniture, or clothing lost or damaged in a fire or flood and repair or replacement of a car as a result of an accident or fire;
- ii) pay the funeral/burial or medical expenses of an insured where the client is the beneficiary of the insured's life insurance policy.

B) Any insurance proceeds not spent or contracted to be spent as specified in subsection (b)(3)(A) of this Section within 60 days of receipt shall be budgeted as nonrecurring lump-sum lump-sum income. A payment receipt shall be required as verification of any insurance-related expense claimed as exempt under subsection (b)(3)(A) of this Section.

c) Lump-sum payments that bring a family's countable resources up to the asset disregard for that family shall also be disregarded. If the

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assistance unit receives lump-sum payment income in any month which together with all other income received after application of the appropriate income deductions and exemptions of this Part exceeds the applicable standard of need for that unit size (See 89 Ill. Adm. Code Section 111.101); the assistance unit is ineligible for assistance for a specific period of time; the period of time of ineligibility is the whole number of months the total income received by the assistance unit minus the deductions and exemptions would meet the applicable standard of need. Any of this income left over after the above calculation shall be considered as income in the first month following the period of ineligibility.

d) That portion of a lump-sum payment that exceeds the amount that brings the family's countable resources up to the asset disregard is considered as follows:

1) If the amount is less than the assistance payment level, the assistance payment for the month following the receipt of the lump-sum payment will be reduced by that amount.

2) If the amount is greater than the assistance payment level, the following action will be taken based on the specific amount of the lump-sum payment:

- A) If the amount exceeds the assistance payment level by \$1,000 or less, the family will be ineligible for one month.
- B) If the amount exceeds the assistance payment level by \$1,000 but less than or equal to \$2,000, the family will be ineligible for two months.
- C) One additional month of ineligibility will be added for each \$1,000 increment.

e) The assistance unit may apply to have the ineligibility period caused by receipt of nonrecurring non-recurring lump-sum lump-sum income shortened. The ineligibility period shall be shortened in the following situations:

- 1) When the nonrecurring non-recurring lump-sum lump-sum payment or a portion of the payment becomes unavailable to the family because the family incurs a loss due to fire, flood or natural disaster which occurred during the ineligibility period. That amount of the lump-sum lump-sum payment the client spends or contracts to spend within sixty (60) days of the fire, flood or natural disaster to repair or replace the lost or damaged property shall be deducted from the lump-sum lump-sum income when recalculation of the period of ineligibility is recalculated.
- 2) When the nonrecurring non-recurring lump-sum lump-sum payment or a portion of the lump-sum lump-sum payment becomes unavailable to the client due to payment of medical expenses which were incurred by a family member and paid in a month during the period of ineligibility caused by receipt of a lump-sum lump-sum payment. Only those expenses which the Department allows toward meeting spenddown (see See 89 Ill. Adm. Code 140.3) shall be considered allowable medical deductions when recalculation of the period of

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ineligibility is recalculated. The allowable medical expenses must have been incurred and paid during the ineligibility period.

A payment receipt shall be required as verification.

- 3) When an individual who is otherwise eligible to be included in the assistance unit joins the assistance unit (e.g., newborn, return of a child or an adult) during the period of ineligibility caused by receipt of the lump-sum payment, the increased standard of need for the new assistance unit size (See 89-III-Adm--Code-111-101) shall be used to recalculate the remaining period of ineligibility for the entire household.

(Source: Emergency amendment at 21 Ill. Reg. 3652, effective July 1, 1997, for a maximum of 150 days)

Section 114.226 Budgeting Earned Income

EMERGENCY

- a) Budgeting is the method by which nonexempt non-exempt income (see Sections 114.210 and 114.230 for exempt income) is compared to the applicable payment levels (as contained in Sections 114.350 and 114.351 to 114.353) plus additional special needs (see Section 114.402) to determine the amount of the monthly assistance payment for the assistance unit.

- b) Monthly earned income of a client is budgeted on the basis of the income which the client reports as received during the budget month (see Section 114.404).

- c) If a recipient has more than one employer, the monthly income shall be calculated from all jobs.

(Source: Emergency amendment at 21 Ill. Reg. 3652, effective July 1, 1997, for a maximum of 150 days)

Section 114.230 Exempt Earned Income

EMERGENCY

- a) The first \$50.00 per month earned income of by a child included in the assistance unit who is a full-time student shall be exempt.

- b) The total amount of exempt income of all such children shall not exceed \$150 per month.

- b)c) For adult General Assistance cases the following amounts are exempt:

- 1) the first \$75 of earned income; and
2) an additional \$32 the difference between the Standard of Need and Payment Level for three (3) months in a twelve--(12) consecutive month period.

(Source: Emergency amendment at 21 Ill. Reg. 3652, effective July 1, 1997, for a maximum of 150 days)

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Section 114.251 Exempt Assets

EMERGENCY

- a) The following assets are exempt from consideration in determining eligibility for assistance:

- 1)a) Homestead property.
2)b) Household furnishings.
3)c) Clothing and personal effects.
4)d) One motor vehicle.
1) One motor vehicle if the equity value does not exceed \$1500;
2) Only one vehicle is exempt per family case. For an adult case, not living with a spouse, one vehicle is exempt. For a husband and wife living together, only one vehicle is exempt. If a case has more than one vehicle, the client(s) can choose to exempt one vehicle if the equity does not exceed \$1500; and apply the equity value of the other vehicle(s) toward the asset disregard.

- 5)e) The principal and interest of a court-ordered trust fund established for a child which, upon petition, the court refuses to release and one-time only payments released for a specific purpose other than the income maintenance needs of the child.

- 6)f) Donations or benefits from fund raisers held for a seriously ill client provided the client or responsible relative of the client does not have control (e.g., not available to the client or the responsible relative) over the donations or benefits and the donations or benefits are not available to the client or the responsible relative or the disbursement of the donations or benefits.

- b)g) The following payments are also exempt:

- 1) The value of any savings in which the money is accumulated from the earnings of a child.
2) Any payment received under Title I of P.L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b through 1989b-8).
3)h) Any payment received under Title II of P.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c through 1989c-8).
4)i) Payments made by the Illinois Department of Mental Health and Developmental Disabilities under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921.
5)j) Disaster relief payments provided by federal, State or local governments or a disaster assistance organization.

(Source: Emergency amendment at 21 Ill. Reg. 3652, effective July 1, 1997, for a maximum of 150 days)

Section 114.252 Asset Disregards

EMERGENCY

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a) In addition to the exempt assets listed in Section 114.251, the cash value of assets shall be disregarded as follows:

All assets or the cash value of assets other than those listed in Section 114.251 are nonexempt ~~non-exempt~~ and must be considered in determining initial or continued eligibility for assistance and level of assistance payment. If the client has non-exempt assets in excess of one month's needs for the assistance unit, the client is not eligible for GA if the client is not considered homeless. If the client is considered homeless, the client's asset disregard is the same as the TANF APBC asset disregard contained in 89 Ill. Adm. Code 112.152.

b) For purposes of this Section, an individual is considered homeless if:

- 1) the individual lacks a fixed, regular, and adequate nighttime residence; or
- 2) the individual has a primary nighttime residence that is any of the following:

- A) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including temporary shelters, halfway houses, and transitional housing for individuals with mental illness);
- B) An institution that provides a temporary residence for individuals intended to be institutionalized;
- C) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(Source: Emergency amendment at 21 Ill. Reg. 3052, effective July 1, 1997, for a maximum of 150 days)

SUBPART F: PAYMENT AMOUNTS

Section 114.350 Payment Levels for General Assistance
EMERGENCY

a) The payment levels for GA cases are flat, monthly standard amounts. The amount for an assistance unit is based on three variables:

- 1) the number in the assistance unit;
- 2) the presence or absence of an adult in the assistance unit;
- 3) the grouping of the county in which the assistance unit lives.

b) All rounding in determining payment levels is done by rounding down to the next whole dollar amount.

c) Local governmental units which receive state funds and whose administration is thus subject to the Department's supervision may not establish payment levels whose amounts exceed the payment standards established herein without prior permission of the Department. Such permission will be granted only if proper administrative controls and agreements can be established which will insure that the Department will not thereby be required to expend

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more funds than it would have expended had the payment levels in this Part Rule been employed by the local governmental unit.

(Source: Emergency amendment at 21 Ill. Reg. 3052, effective July 1, 1997, for a maximum of 150 days)

Section 114.351 Payment Levels in Group I Counties
EMERGENCY

a) The following payment levels are established for the GA Program in Group I Counties:

b) The counties included in Group I are:

Boone	Kane	Ogle
Champaign	Kankakee	Whiteside
Cook	Kendall	Winnebago
DeKalb	Lake	Woodford
Dupage	McHenry	

1) Family and Children Assistance Case Payment Levels

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE	
	OR RELATIVES	
	REHAB+VE(S) AND	
	CHILD OR CHILDREN	CHILD OR CHILDREN
	CHIEB+RENT	CHIEB+RENT ONLY
	CURRENT	CURRENT
1	165	102
2	278	201
3	377	249
4	414	319
5	485	379
6	545	407
7	574	438
8	604	469
9	635	503
10	669	538
11	705	576
12	741	614
13	781	
14	822	
15	866	
16	911	
17	959	
18	1010	

2) The Transitional Assistance case payment level in Group I counties is \$100.

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- c) For family sizes greater than 18 with a caretaker relative or relatives or--12, the amount of the payment level shall be determined by adding \$50.00 or--\$38.00--respectively for each person above 18 or 12.
- d) For family sizes greater than 12 with children only, the amount of the payment level shall be determined by adding \$38.00 for each person above 12. As the legislature has determined that payments under the GA program should contain amounts for the purpose of energy assistance and has directed that such amounts be established by rule, the first \$10 of the GA Payment level in the City of Chicago and for Caretaker Relatives and Children Family size of 17 and the first \$18 of the GA Payment level for Caretaker Relatives and Children of other family sizes has been designated as being for the purpose of energy assistance.

(Source: Emergency amendment at 21 Ill. Reg. 8652, effective July 1, 1997, for a maximum of 150 days)

Section 114.352 Payment Levels in Group II Counties

EMERGENCY

- a) The following payment levels are established for the GA Program in Group II Counties.
- b) The counties included in Group II are:

Adams	Lee	St. Clair
Bureau	Livingston	Stephenson
Carroll	Logan	Tazewell
Clinton	Macon	Vermilion
Coles	Macoupin	Wabash
Dewitt	Madison	Warren
Douglas	McDonough	Will
Effingham	McLean	
Ford	Mercer	
Fulton	Monroe	
Grundy	Morgan	
Henry	Moultrie	
Iroquois	Peoria	
Jackson	Piatt	
Jo Daviess	Putnam	
Knox	Rock Island	
LaSalle	Sangamon	

1) Family and Children Assistance Case Payment Levels

SIZE OF RELATIVE(S) AND	CARETAKER	CHILD(REN)
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ASSISTANCE UNIT	CHILD(REN) CURRENT	ONLY CURRENT
1	160	97
2	269	194
3	365	242
4	403	311
5	471	369
6	529	397
7	557	427
8	588	459
9	619	491
10	651	525
11	685	561
12	721	599
13	760	
14	799	
15	841	
16	886	
17	934	
18	982	

- 2) The Transitional Assistance case payment level in Group II counties is \$100.
- c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$48.00 or \$38.00 respectively for each person above 18 or 12.
- d) As the legislature has determined that payments under the GA program should contain amounts for the purpose of energy assistance and has directed that such amounts be established by rule, the first \$5 of the GA Payment level for Caretaker Relative and Children Family size of 17 and the first \$10 of the GA Payment level for Caretaker Relatives and Children of other family sizes has been designated as being for the purpose of energy assistance.

(Source: Emergency amendment at 21 Ill. Reg. 8652, effective July 1, 1997, for a maximum of 150 days)

Section 114.353 Payment Levels in Group III Counties

EMERGENCY

- a) The following payment levels are established for the GA Program in Group III Counties.
- b) The counties included in Group III are:

Alexander	Edgar	Jasper	Montgomery	Shelby
Bond	Edwards	Jefferson	Perry	Stark
Brown	Fayette	Jersey	Pike	Union
Calhoun	Franklin	Johnson	Pope	Washington

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Cass	Gallatin	Lawrence	Pulaski	Wayne
Christian	Greene	Marion	Randolph	White
Clark	Hamilton	Marshall	Richland	Williamson
Clay	Hancock	Mason	Saline	
Crawford	Hardin	Massac	Schuyler	
Cumberland	Henderson	Menard	Scott	

1) Family and Children Assistance Case Payment Levels

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE(S)		CHILD(REN) ONLY CURRENT
	CHILD(REN) CURRENT	AND CURRENT	
1	154	94	
2	257	188	
3	349	237	
4	389	302	
5	453	359	
6	511	387	
7	538	414	
8	566	445	
9	597	477	
10	628	510	
11	662	545	
12	696	581	
13	733		
14	771		
15	812		
16	855		
17	900		
18	948		

2) The Transitional Assistance case payment level in Group III counties is \$100.

c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$48.00 or \$36.00 respectively for each person above 18 or 12.

d) As the legislature has determined that payments under the GA program should contain amounts for the purpose of energy assistance and has directed that such amounts be established by rule, the first \$10 of the GA Payment level for Caretaker Relatives and Children of all family sizes except the family size of 1 has been designated as being for the purpose of energy assistance.

(Source: Emergency amendment 21 Ill. Reg. 0150, effective July 1, 1997, for a maximum of 150 days)

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SUBPART G: OTHER PROVISIONS

Section 114.402 Special Needs Authorizations (Repealed)
EMERGENCY

If the General Assistance unit is determined eligible for an assistance payment, additional payment(s) will be authorized upon request of the client and verification of provision of the service in the following circumstances:

a) A change in mailing date of the regular warrant creates a period of unmet need:

- b) Correction of an underpayment:
- c) A student who is a junior or senior in high school is included in the assistance unit as an eligible child (applies only to family cases); the allowance is \$15.00 per quarter payable three times a year.
- d) A therapeutic diet allowance is required for an eligible recipient and the diet is prescribed by a physician:
- 1) The amounts are:
- A) Ulcer (and other chronic conditions requiring a bland-low residue diet): \$5.95 per month.
- B) Diabetic diet (less than 1700 calories): \$7.92 per month.
- C) Diabetic diet (1700 calories or more): \$17.82 per month.
- B) High protein, high calorie, high vitamin: \$12.85 per month.
- 2) Approval of an allowance in a different amount or for a non-standard prescribed diet requires approval of the Department.
- e) Non-standard diets are approved by the Bureau of Comprehensive Health Services based on the individual needs of the client.
- f) The Department will not use special needs items to determine need in establishing initial or continuing eligibility for GA. Need based on the Payment Level must exist before the consideration of payment for a special need.

(Source: Emergency repeal at 21 Ill. Reg. 0150, effective July 1, 1997, for a maximum of 150 days)

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1) Heading of the Part: Practice in Administrative Hearings

2) Code Citation: 89 Ill. Adm. Code 104

3) Section Numbers: Emergency Action:
104.1 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193)

5) Effective Date of Amendments: July 1, 1997

6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed in Agency's Principal Office: July 1, 1997

8) Reason for Emergency: These emergency amendments are necessary to comply with the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) which changed the way income support is provided to families in the United States. Each state is responsible for developing a plan to provide help for needy families. In Illinois, the program will be called Temporary Assistance for Needy Families or TANF.

TANF will replace the Aid to Families with Dependent Children (AFDC) program beginning July 1, 1997. These emergency amendments are necessary to implement TANF effective July 1, 1997. 305 ILCS 5/12-13.05, as added by Section 10 of Public Act 90-17, allows the use of emergency rulemaking to implement these changes.

9) Complete Description of the Subjects and Issues Involved: Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for tens of thousands of families to become employed. The plan also prepares the

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stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These emergency amendments make changes in the assistance appeals provisions in connection with TANF.

10) Are there any Proposed Amendments pending to this Part? No

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-0081

The full text of the Emergency Amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 104

PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEAL

Section

104.1 Assistance Appeals

EMERGENCY

104.10 Initiation of Appeal Process

104.11 Pre-Appeal Review

104.12 Notice of Hearing

104.20 Conduct of Hearings

104.21 Representation

104.22 Appellant Participation in Hearing

104.23 Evidentiary Requirements

104.30 Subpoenas

104.35 Amendment of Appeal

104.40 Consolidation of Appeals

104.45 Postponement or Continuation of Hearings

104.50 Withdrawal of Appeal

104.55 Closing of Hearing Record

104.60 Dismissal of Appeal

104.70 Final Administrative Decision

104.80 Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section

104.100 Responsible Relative and Joint Payee Petitions

104.101 Petition for Hearing

104.102 Conduct of Administrative Support Hearings

104.103 Conduct of Hearings to Contest the Determination of Past-Due Support
or of Share of Jointly-Owned Funds

104.104 Conduct of Other Hearings

104.105 Conduct of Hearings on Petitions for Release from Administrative
Paternity Orders

SUBPART C: MEDICAL VENDOR HEARINGS

Section

104.200 Applicability

104.202 Definitions

104.204 Notice of Denial of an Application

104.206 Notice of Intent to Recover Money

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104.207 Notice of Contested Paternity Hearing
104.208 Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement
104.209 Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to a State Licensing Agency and to Take Disciplinary Action Relative to Hearing
104.210 Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
104.211 Prior Factual Determinations
104.212 Demand for Judicial Jury Trial in Contested Paternity Hearings
104.213 Notice of Formal Conference
104.215 Formal Conference on Recovery of Money
104.217 Purpose of Formal Conference
104.220 Notice of Hearing
104.221 Issues at Hearings
104.225 Legal Counsel
104.226 Appearance of Attorney or Other Representative
104.230 Notice, Service and Proof of Service
104.231 Form of Papers
104.235 Discovery
104.240 Conduct of Hearings
104.241 Amendments
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104.243 Subpoenas
104.244 Burden of Proof
104.245 Witness at Hearings
104.246 Evidence at Hearings
104.247 Cross-Examination
104.249 Genetic Testing in Contested Paternity Hearings
104.250 Official Notice
104.255 Computer Generated Documents
104.260 Recommendation of Peer Review Committee
104.270 Time Limits for Hearings
104.271 Continuances and Extensions
104.272 Withholding of Payments During Pendency of Proceedings
104.273 Continuation of Payments During Pendency of Proceedings
104.274 Denial of Payments for Services During Pendency of Proceedings
104.280 Record of Hearings
104.285 Failure to Appear or Proceed
104.290 Recommended Decision
104.295 Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST
SKILLED NURSING FACILITIES AND INTERMEDIATE CARE
FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section
104.300 Authority

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104.302 Definitions
 104.304 Department Actions Against Nursing Homes Facilities
 104.310 Certification
 104.320 Joint Administrative Hearing
 104.330 Facilities Certified Under Both Medicare and Medicaid

SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

104.400 Suspected Intentional Violation of the Program
 104.410 Advance Notice of Administrative Disqualification Hearing
 104.420 Postponement of Hearing
 104.430 Administrative Disqualification Hearing Procedures
 104.440 Failure to Appear
 104.450 Participation While Awaiting a Hearing
 104.460 Consolidation of Administrative Disqualification Hearing with Fair Hearing

104.470 Administrative Disqualification Hearing Decision and Notice of Decision
 104.480 Appeal Procedure

SUBPART F: INCORPORATION BY REFERENCE

Section
 104.800 Incorporation by Reference

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p. 80, effective May 8, 1980; peremptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg.

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659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 6, 1995; amended at 20 Ill. Reg. 1229, effective December 29, 1995; amended at 20 Ill. Reg. 5699, effective March 28, 1996; amended at 20 Ill. Reg. 14891, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 18071, effective July 1, 1997, for a maximum of 150 days.

SUBPART A: ASSISTANCE APPEAL

Section 104.1 Assistance Appeals
EMERGENCY

Sections 104.10 through 104.70 apply to all appeals before the Department filed by or in behalf of applicants or recipients of public assistance under the Temporary Assistance for Needy Families (TANF), Aid to Families with Dependent Children Program (AFDC), Aid to the Aged, Blind, or Disabled Program (AABD), General Assistance Program (GA), Medical Assistance Program, Aid-to-the-Medicare--Indigent--Program--(AMH), Social Service Program, or Food Stamp Program, as administered by the Department.

(Source: Emergency amendment at 21 Ill. Reg. 3871 = 3871, effective July 1, 1997, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3) Section Numbers: Emergency Action:
117.15 Amendment
117.20 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193)
- 5) Effective Date of Amendments: July 1, 1997
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: July 1, 1997

8) Reason for Emergency: These emergency amendments are necessary to comply with the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) which changed the way income support is provided to families in the United States. Each state is responsible for developing a plan to provide help for needy families. In Illinois, the program will be called Temporary Assistance for Needy Families or TANF.

TANF will replace the Aid to Families with Dependent Children (AFDC) program beginning July 1, 1997. These emergency amendments are necessary to implement TANF effective July 1, 1997. 305 ILCS 5/12-13.05, as added by Section 10 of P.A. 90-17, allows the use of emergency rulemaking to implement these changes.

9) Complete Description of the Subjects and Issues Involved: Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for tens of

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thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These emergency amendments add TANF to replacement of missing warrant provisions.

- 10) Are there any Proposed Amendments pending to this Part? No
- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.
- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-0081

The full text of the Emergency Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER vv: DISTRICT, COUNTY, TOWNSHIP AND SPECIAL ACT

MUTUAL COMPANIES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 117

RELATED PROGRAM PROVISIONS

Section

- 117.1 Incorporation By Reference
- 117.10 Payee for Financial Assistance
- 117.11 Issuance of Cash Assistance Benefits
- 117.12 Client Training for the Electronic Benefits Transfer (EBT) System
- 117.13 Replacement of the EBT Card
- 117.15 Reinstatement Upon Agreement to Cooperate
- EMERGENCY
- 117.20 Replacement of Missing Warrants
- EMERGENCY
- 117.30 Withholding of Rent (Repealed)
- 117.40 Recovery of Interim Assistance - Aid to the Aged, Blind or Disabled and General Assistance
- 117.50 Funerals and Burials
- 117.51 Funeral Home Services
- 117.52 Burial Expenses
- 117.53 Payment to Vendor(s)
- 117.54 Claims for Reimbursement
- 117.55 Submittal of Claims
- 117.60 Substitute Parental Care/Supplemental Child Care - AFDC, AABD and GA Family Cases
- 117.70 Charge for Replacement of Photo ID Cards (Repealed)
- 117.80 Direct Deposit of Recipients' Warrants
- 117.90 State Income Tax Match

AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13].

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15,

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1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective July 7, 1995; emergency amendment at 19 Ill. Reg. 15267, effective November 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 877, effective January 1, 1996; amended at 20 Ill. Reg. 5706, effective March 30, 1996; emergency amendment at 20 Ill. Reg. 10381, effective July 23, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 395, effective December 20, 1996; amended at 21 Ill. Reg. 7759, effective June 4, 1997; emergency amendment at 21 Ill. Reg. ~~8675~~, effective July 1, 1997, for a maximum of 150 days.

Section 117.15 Reinstatement Upon Agreement to Cooperate

EMERGENCY

- a) When ~~Whenever~~ financial aid is reduced or terminated due to the failure of the client to cooperate with the Department and the client, within ten working days after the first day the financial aid would have been available, indicates his or her willingness to cooperate with the Department, the financial aid shall be reinstated in full, retroactive to the date the change or termination of the grant occurred, provided the client is not otherwise ineligible for financial assistance for the period in question.
- b) Failure to cooperate includes but is not limited to:
 - 1) failure to keep an appointment;
 - 2) failure to attend a meeting;
 - 3) failure to produce proof or verification of eligibility or need in response to a Department request to contact it; or
 - 4) failure to be available for a home visit.
- c) ~~When~~ ~~Whenever~~ a client whose benefits have been reduced or terminated for failure to cooperate contacts the Department about the termination or reduction within ten working days after the first day the financial aid would have been available, the Department shall inform the client that his or her financial assistance will be reinstated if he or she indicates a willingness to cooperate. The client shall be deemed willing to cooperate with the Department when he or she makes contact with the Department for the purpose of speaking to appropriate staff and indicating a willingness to cooperate.
- d) The client's willingness to cooperate shall be demonstrated by his or her willingness to attend a rescheduled appointment or meeting, producing needed proof or verification, agreeing to attempt to obtain needed proof or verification, asking for help in obtaining proof or

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NOTICE OF EMERGENCY AMENDMENTS

verification or seeking whatever is needed to determine continued eligibility.

- e) If the client fails to cooperate a second time for the same reason after being reinstated once under this Section, assistance will not be reinstated again until the client actually cooperates. If the client expresses a willingness to cooperate within ten working days after the first day the financial aid would have been available, and actually cooperates, the financial aid will be reinstated in full as in subsection (a) of this Section.

- f) The policy in this Section does not apply in the case of sanctions imposed due to the failure of a client to participate, as required, in the child support enforcement program (see 89 Ill. Adm. Code 160) or in any educational, training or employment program conducted through the Department.

- g) The policy in this Section also does not apply to any cancellation, revocation, reduction, termination or sanction imposed for the failure of any recipient to cooperate in the quarterly monthly reporting process.

- h) ~~The policy in this Section does not apply to cancellations of clients who fail to report their earned income through the Quarterly Reporting -- Failure to Report Employment Demonstration Project (see 89 Ill. Adm. Code 170-900).~~

(Source: Emergency amendment at 21 Ill. Reg. 8679, effective July 1, 1997, for a maximum of 150 days)

Section 117.20 Replacement of Missing Warrants

EMERGENCY

- a) When a client reports the non-receipt of a warrant, the Department shall replace the warrant, unless the warrant was endorsed by the payee, after the client has signed a request to stop payment and an agreement that recovery may be made. The replacement shall be made only if the request is received within 60 days of the date of mailing of the warrant in question.

- b) In the event the missing warrant is actually received and cashed by the client and a replacement warrant has been received and cashed by the client, pursuant to the terms of the recovery agreement, the Department shall recoup or recover the amount of the replacement warrant as follows:

- 1) For Aid to Families with Dependent Children (AFDC) and Temporary Assistance for Needy Families (TANF); 1/36 of the amount of the replacement warrant shall be recouped each month until the entire amount is recouped. AFDC and TANF recoupment under this Section shall not take place while recoupment under 89 Ill. Adm. Code 165.70 is in process.

- 2) For Aid to the Aged Blind or Disabled (AABD) and General Assistance (GA) cases as provided in 89 Ill. Adm. Code 165.70.

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- 3) For supportive service payments issued to ~~Project-Chancey-Project Advance-and-Young-Parents-Program~~ participants, the replacement warrant will be recovered under Subpart D of 89 Ill. Adm. Code 165-Subpart-B, after financial assistance is cancelled.

- c) The determination that the missing warrant was actually received and cashed by the client shall be made by comparing the signature of endorsement appearing on the warrant with a specimen signature of the client.

(Source: Emergency amendment at 21 Ill. Reg. 8677, effective July 1, 1997, for a maximum of 150 days)

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

LIST OF CONTRACTORS PROHIBITED FROM AN AWARD
OF A CONTRACTOR OR A SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to Section 11a of the Prevailing Wage Act, 820 ILCS 130/0.01-12 (1994), the Director of the Department of Labor gives notice that the following contractors have been found to have disregarded their obligations to employees under the Prevailing Wage Act on two (2) separate occasions and are prohibited from being awarded any contract or subcontract for a public works project for:

1) a two (2) year period from date of publication:

a) D & D Sewer Service
201 Heitman Drive
Lincoln, Illinois 62656

b) Mr. Tim Maroulis
Northwestern Contractors, Inc.
1117 West 148th Street
East Chicago, Indiana 46312

2) the period of March 26, 1997 to March 25, 1999:

Ronald A. Wiltsie
d/b/a Wiltsie Construction
210 South Foggit
Edinburg, Illinois 62531

3) a two (2) year period ending January 31, 1999:

Mr. Mike Brown and Ms. Judith Brown
Brown's Plumbing and Heating
830 18th Street
Charleston, Illinois 61920

4) the period of January 27, 1997 to January 26, 1999:

Mr. William G. King
King Carpentry
P.O. Box 204
McNabb, Illinois 61335

5) a two (2) year period ending October 31, 1998:

G.O.B. Builders, Inc.
4425 North Elston Avenue
Chicago, Illinois 60630

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

LIST OF CONTRACTORS PROHIBITED FROM AN AWARD
OF A CONTRACTOR OR A SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

6) a two (2) year period ending October 27, 1998:

Mr. Rick Schlosser
Rick's Concrete
409 Wirt Street
Henry, Illinois 61537

7) a two (2) year period ending October 3, 1998:

Huffman Farm Supply, Inc.
702 Minier Avenue
P.O. Box 463
Minier, Illinois 61759

Mr. John A Manning, President
Ms. Peggy A. Haning, Secretary

8) a two (2) year period ending August 25, 1997:

Schwanke, Schwanke & Associates
P.O. Box 1204
LaSalle, Illinois 61301

Copies of the Prevailing Wage Act are available at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, IL 62701-1217

COMPTROLLER MERIT COMMISSION

JULY 1997 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Merit Commission Rules (80 Ill. Adm. Code 100)

1) Rulemaking:

A) Description: The rules provide the Merit Commission with the power to review and investigate personnel policies and administrative practices to ensure that they are in compliance with the Merit Employment Code. Upon written recommendations by the Director of Personnel, the rules provide the Commission authority to exempt positions from Jurisdiction B of the Merit Employment Code. The Merit Commission rules also provide protection from unjust discharge, suspension, demotion or geographic transfers of employees of the Office of the Comptroller and outlines procedures of the Office of the Comptroller and approve or disapprove written charges of employees of the Office of the Comptroller.

B) Statutory Authority: Implementing and authorized by the Comptroller Merit Employment Code [15 ILCS 410].

C) Scheduled meeting/hearing date: July 17, 1997; August 21, 1997; September 18, 1997; October 16, 1997; November 20, 1997; December 18, 1997.

D) Date agency anticipates First Notice: The Merit Commission does not anticipate any rule changes.

E) Effect on small business, small municipalities or not for profit corporations: N/A

F) Agency contact person for information:

Bruce Stratton, Chairman
Comptroller Merit Commission
325 West Adams Street
Springfield, IL 62704-1858
(217)785-1127

G) Related rulemakings and other pertinent information: N/A

DEPARTMENT OF THE LOTTERY

JULY 1997 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Lottery (General), 11 Ill. Adm. Code 1770

1) Rulemaking:

A) Description: The Department anticipates rulemaking to reflect new legislation regarding the sale of lottery tickets to and the purchase of lottery tickets by or for minors; specify the financial liability of any agent who fails to notify the Lottery, in writing, of a change of ownership at his or her location; define "service" in the context of notices required to be sent to Lottery agents pursuant to the Lottery Law and rules; modify existing rules regarding accelerated prize payment upon a winner's death to establish minimum requirements for partnership shares.

B) Statutory Authority: Sections 7.1 and 7.2 of the Illinois Lottery Law.

C) Scheduled meeting/hearing date: No meetings or hearings are scheduled.

D) Date agency anticipates First Notice: Unknown

E) Affect on small business, small municipalities or not for profit corporations: Small businesses, small municipalities and not for profit corporations will be affected by the rulemaking only if such entities hold or apply for a Lottery license. The contemplated rulemaking will impose no additional reporting obligations upon these entities, but could require additional I.D. checks in connection with ticket redemption.

F) Agency contact person for information:

Lisa A. Crites
Illinois Lottery
201 E. Madison
Springfield, IL 62702
217/524-5253

G) Related rulemakings and other pertinent information: There are no related rulemakings. HB1802 pertaining to the sale of lottery tickets to minors, and the purchase of lottery tickets by or for minors, has been passed by both houses and awaits signature by the Governor.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

JULY 1997 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): The Administration and Operation of the Teachers' Retirement System, 80 Ill. Adm. Code 1650

1) Rulemaking:

- A) Description: The Teachers' Retirement System ("System") anticipates reformatting, amending and adding rules in order to clarify issues concerning the benefit program's compliance with applicable law. Additionally, the System plans to promulgate a rule to deal with recent legislation regarding service credit for periods of time away from teaching due to adoption.
- B) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]; Freedom of Information Act [5 ILCS 140]; Section 401(a)(31) of the Internal Revenue Code [26 U.S.C. 401(a)(31)]; Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

- C) Scheduled meeting/hearing dates: There is no proposed schedule of dates for meetings/hearings at this time.

- D) Date agency anticipates First Notice: Unknown

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Erin E. Smith, Legal Assistant
Teachers' Retirement System
2815 West Washington, P.O. Box 19253
Springfield, IL 62794-9253
(217) 753-0961

- G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 17, 1997 through June 23, 1997 and have been scheduled for review by the Committee at its July 15, 1997 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
7/31/97	Department of Transportation, Prequalification of Contractors, and Issuance of Plans and Proposals (44 Ill Adm Code 650)	5/2/97 21 Ill Reg 5473	7/15/97
8/1/97	Secretary of State, Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill Adm Code 1040)	4/11/97 21 Ill Reg 4398	7/15/97
8/1/97	Secretary of State, Issuance of Licenses (92 Ill Adm Code 1030)	4/11/97 21 Ill Reg 4414	7/15/97
8/1/97	Department of Public Aid, Aid to Families with Dependent Children (89 Ill Adm Code 112)	1/17/97 21 Ill Reg 797	7/15/97
8/1/97	Department of Public Aid, General Assistance (89 Ill Adm Code 114)	1/17/97 21 Ill Reg 809	7/15/97
8/1/97	Department of Labor, Health and Safety (56 Ill Adm Code 350)	4/4/97 21 Ill Reg 4140	7/15/97
8/1/97	Department of Labor, Toxic Substances Disclosure to Employees (56 Ill Adm Code 205)	4/4/97 21 Ill Reg 4150	7/15/97
8/6/97	Department of Natural Resources, Wrongful Tree Cutting (17 Ill Adm Code 1585)	5/2/97 21 Ill Reg 5394	7/15/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

8/6/97 Property Tax Appeal Board, Procedures 5/9/97 7/15/97
(86 Ill Adm Code 1910) 21 Ill Reg 5692

PROCLAMATIONS

97-331
EDISON MIDDLE SCHOOL BAND DAY

Whereas, Edison High School was converted into Edison Middle School in 1977; and

Whereas, Edison Middle School has a 6th grade concert band, 7th and 8th grade concert band and a jazz band; and

Whereas, Samuel Houston Hankins, Jr. has served as the Edison Middle School Band Director during the 1995-96 and 1996-97 school years; and

Whereas, Mr. Hankins has received the support of the Edison Middle School Principal Linda Lawrence, school faculty, staff, students, parents and the Champaign-Urbana community; and

Whereas, the band students have achieved great success, winning 1st and 2nd place awards in many recent regional and state contests; and

Whereas, in March 1997, Edison band students traveled to Orlando, Florida, to participate in the International Orlando Musicfest held at Disney World each year; and

Whereas, in Orlando, the 7th and 8th grade band won 1st place for their competition and the Grand Trophy award over all bands participating that day, including 3 high school bands. The 6th grade band won 2nd place, and the jazz band won first place; and

Whereas, the Edison Middle School Band Program has been successful due to the hard work and dedication of Instructor Hankins and the band students, the Edison school district and Champaign-Urbana community can be proud of the many accomplishments of the Edison Middle School bands;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 5, 1997, as EDISON MIDDLE SCHOOL BAND DAY in Illinois and extend my best wishes for much continued success.

Issued by the Governor May 29, 1997.
Filed by the Secretary of State June 9, 1997.

97-332
ILLINOIS-NIIGATA STUDENT EXCHANGE PROGRAM

Whereas, the Illinois-Niigata Student Exchange Program was initiated as a result of an agreement signed by the governors of Illinois and Niigata, Japan, in 1986, establishing the Illinois-Niigata Council on Education and Economic Development; and

Whereas, since 1986, more than 300 Japanese high school students have visited Illinois as part of the exchange program; and

Whereas, many of these Japanese students and their families have hosted approximately 180 American high school students who have visited Niigata over the past nine years; and

Whereas, the program gives students the chance to live with host families, study another language, learn about another country's culture and build life-long friendships; and

Whereas, in celebration of the 10-year anniversary of the Illinois-Niigata Student Exchange Program, the Niigata Prefecture will host a reception for representatives from Niigata as well as chaperones and students from Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June

12-28, 1997, as ILLINOIS-NIIGATA STUDENT EXCHANGE PROGRAM WEEKS in Illinois.

Issued by the Governor May 30, 1997.

Filed by the Secretary of State June 9, 1997.

97-333

ETHNIC MEDIA WEEK

Whereas, the ethnic media of Illinois have a long and proud tradition in the state; and

Whereas, the influence of Illinois' ethnic media has been invaluable in providing information about current events and other pertinent issues directly to the communities they serve; and

Whereas, the many ethnic programs and publications available to the public provide an invaluable service by recording the cultures, traditions, language and heritage of individual ethnic groups; and

Whereas, the ethnic media have worked diligently to maintain their programs and publications, often relying on limited resources and staff; and

Whereas, the ethnic media of Illinois should be commended for their dedication to providing services that have a positive impact on a number of cultures; and

Whereas, the Governor's Office of Ethnic Media is hosting a reception in honor of Ethnic Media Week at the James R. Thompson Center on June 10;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June

8-14, 1997, as ETHNIC MEDIA WEEK in Illinois.

Issued by the Governor June 2, 1997.

Filed by the Secretary of State June 9, 1997.

97-334

TLC DAYS

Whereas, the GFWC Lombard Junior Woman's Club TLC Club was established in 1983 in Lombard, Illinois; and

Whereas, the purpose of the TLC Camp is to provide a fun-filled week of camp activities for children ages 4-13 with cancer and a sibling; and

Whereas, the TLC Camp is sponsored by the GFWC Lombard Junior Woman's Club, a not-for-profit volunteer service organization that was established in 1930, and affiliated with the Chicago Candlelighters, a support group for parents of children with cancer; and

Whereas, the TLC Camp is held at the Madison Meadow Recreation Center in Lombard, Illinois; and

Whereas, this year's TLC Camp will be held June 16-20, with the theme, "15 Years of Caring and Sharing," to celebrate its 15th anniversary;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June

16-20, 1997, as TLC DAYS in Illinois.

Issued by the Governor June 2, 1997.

Filed by the Secretary of State June 9, 1997.

97-335

PROFESSOR JOHN GOLDSMITH DAY

Whereas, John Goldsmith serves as a Professor of Linguistics at the University of Chicago; and

Whereas, Professor Goldsmith earned a Ph.D. in linguistics from the Massachusetts Institute of Technology; and

Whereas, Professor Goldsmith has served in academic positions at several other prestigious institutions, such as Harvard, Stanford and Indiana University; and

Whereas, Professor Goldsmith has invented a computer program called Speakeasy, which makes computers sound like human beings; and

Whereas, when refined, Speakeasy will revolutionize the computer industry, allowing people to have natural conversations with computers, and improving the quality of life for the blind; and

Whereas, Professor Goldsmith has been chosen by *Discover Magazine* as one of 35 finalists in the 1997 Discover Awards for Technological Innovation, from a field of over 4,000 nominees; and

Whereas, Professor Goldsmith and the other finalists will be honored at a televised Academy Awards-style gala in Orlando, Florida on May 31, 1997, and featured in the June 1997 issue of *Discover Magazine*;

Therefore, I, Jim Edgar, Governor of the State of Illinois, declare May 31, 1997, as PROFESSOR JOHN GOLDSMITH DAY in Illinois, and offer my congratulations to him on being selected as a finalist for the 1997 Discover Awards.

Issued by the Governor May 22, 1997.

Filed by the Secretary of State June 13, 1997.

97-336

CHICAGO TRIBUNE DAY

Whereas, the Chicago Tribune was founded on June 10, 1847, with this statement of principle: "The Chicago Tribune will be neutral in nothing; it will be independent in everything;" and

Whereas, the Chicago Tribune is the longest continually published major newspaper in America; and

Whereas, the Chicago Tribune has a 150-year tradition of journalistic excellence and technological innovation; and

Whereas, the Chicago Tribune and its staff have received 18 Pulitzer Prizes since the awards were established in 1917, and from 1911 to 1977 called itself "The World's Greatest Newspaper;" and

Whereas, the Chicago Tribune employs about 2,800 people at its Tribune Tower headquarters, Freedom Center printing facility and in bureaus ranging from 10 Chicago suburbs, Springfield, Ill., New York, Los Angeles and Washington to 10 foreign capitals;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 10, 1997, as CHICAGO TRIBUNE DAY in Illinois.

Issued by the Governor June 4, 1997.

Filed by the Secretary of State June 13, 1997.

97-337

ILLINOIS SOCIETY OF ARCHITECTS DAY

Whereas, the Illinois Society of Architects was first organized in January 1897 and incorporated on June 25, 1897, as the Chicago Architect Business Association, and is currently celebrating its 100th anniversary; and

Whereas, articulated by C.S. Hall, one of the founding members of the

society, the Illinois Society of Architects was formed "to reform some of the abuses by which our architectural profession suffers and to elevate the business of building in all its branches;" and

Whereas, the Illinois Society of Architects drafted and secured passage of the Illinois Architectural Act of 1897 which provided for the licensing of architects and the regulation of the practice of architecture as a profession, the first legal recognition of the profession in this country, and a model for other states; and

Whereas, the Illinois Society of Architects was instrumental in the writing of the first comprehensive Chicago Building Code and for many years published its text in the Society's widely used annual publication of the Handbook for Architects and Builders; and

Whereas, the Illinois Society of Architects developed and made available to the public the first uniform building contract documents allowing owners and contractors to enter into fair and consistent agreements governing the construction of buildings; and

Whereas, the Illinois Society of Architects continues today to dedicate itself to treating business and legislative matters that affect the profession, protecting the public against improper and insufficient plans and continues to be a professional resource for building and code officials;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 25, 1997, as ILLINOIS SOCIETY OF ARCHITECTS DAY in Illinois.

Issued by the Governor June 4, 1997.

Filed by the Secretary of State June 13, 1997.

97-338

PUERTO RICAN WEEK

Whereas, the Puerto Rican community is a strong and important force in the State of Illinois, a community that enriches Illinois culturally and economically; and

Whereas, the Puerto Rican community has honored its heritage for more than 30 years in Illinois with patriotic festivals and continues the tradition with the Puerto Rican Parade in Chicago; and

Whereas, the Puerto Rican Parade Committee of Chicago and its president, Ruben Rosado, have organized this year's festivities with great dedication; and

Whereas, this week's patriotic festival promotes cultural and community unity in Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 9-15, 1997, as PUERTO RICAN WEEK in Illinois, in recognition of the contributions the Puerto Rican community has made to the vitality and growth of our state.

Issued by the Governor June 4, 1997.

Filed by the Secretary of State June 13, 1997.

97-339

WAYNE SAXTON DAY

Whereas, Wayne Saxton of Kansas, Illinois, has completed 50 years of service to the American Legion Premier Boys State of Illinois; and

Whereas, Wayne Saxton, a successful businessman and public servant, has served a wide range of civic organizations in his community and throughout the

state and has provided long and distinguished service to the men and women of Illinois who have served their nation in times of war; and

Whereas, during his term as Camp Director of Premier Boys State and Treasurer of the Boys State Corporation, his leadership has assisted Boys State of Illinois to expand its educational program; and

Whereas, nearly 50,000 young men have received training in citizenship and public service since he became affiliated with the program;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 12, 1997, as WAYNE SAXTON DAY in Illinois, in recognition of his distinguished service to the youth of Illinois.

Issued by the Governor June 4, 1997.

Filed by the Secretary of State June 13, 1997.

97-340

BISHOP ALFRED L. ABRAMOWICZ DAY

Whereas, the Reverend Alfred L. Abramowicz, D.D. was ordained a priest on May 1, 1943, and celebrated his golden jubilee of ministration to his flock in 1993; and

Whereas, Reverend Abramowicz can well be proud of his nearly 30 years as a Bishop, having been consecrated on June 13, 1968; and

Whereas, as Executive Director of the Catholic League for Religious Assistance to Poland, he kept alive the spirit of religious freedom in the country of his forebearers where human rights and individual freedom were violated by a totalitarian regime; and

Whereas, in 1966, he organized one of the largest outdoor masses in Chicago celebrating Poland's Millennium of Christianity; and

Whereas, as Pastor of Five Holy Martyrs Church, he hosted Karol Cardinal Wojtyla on his visit to Chicago in 1969 and later in 1976 when he returned as Pope John Paul II; and

Whereas, the people of Illinois rejoice in the recognition accorded to Bishop Abramowicz by having a street named in his honor; and

Whereas, Bishop Alfred L. Abramowicz richly deserves the esteem and admiration of all the citizens of Illinois as well as the people of his community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 4, 1997, as BISHOP ALFRED L. ABRAMOWICZ DAY in Illinois.

Issued by the Governor June 5, 1997.

Filed by the Secretary of State June 13, 1997.

97-341

HOWARD A. PETERS III DAY

Whereas, on January 23, 1997, Howard A. Peters III was appointed as the first Secretary of the new Illinois Department of Human Services, overseeing the merger of all or parts of six state human service agencies and over 20,000 employees; and

Whereas, he was instrumental in the design, goals and budget for the new department, which officially begins July 1, 1997; and

Whereas, since January 16, 1995, Mr. Peters has served as Deputy Chief of Staff to Governor Edgar, responsible for the state's human service, public safety and government administration agencies; and

Whereas, from March 26, 1991, to January 15, 1995, Mr. Peters served as the first African American Director of the Illinois Department of Corrections and has more than 20 years experience with the department; and

Whereas, he has been involved with the continuing push for welfare reform within Illinois, including moving people from welfare to work and supporting more community-based services; and

Whereas, Mr. Peters is personally committed to community involvement and volunteerism through his service on the boards of the Springfield Boys and Girls Club, the Illinois Drug Education Alliance, Memorial Medical Center and the Hope School; and

Whereas, he has firsthand knowledge of what people in need of public assistance require, having risen out of his childhood of poverty through education, high standards, dedication and hard work; and

Whereas, Howard A. Peters III serves as a role model through the many obstacles he has overcome and successes he has achieved;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 14, 1997, as HOWARD A. PETERS III DAY in Illinois in honor and recognition of his many contributions to the citizens of this state.

Issued by the Governor June 5, 1997.

Filed by the Secretary of State June 13, 1997.

97-342

ILLINOIS CROP IMPROVEMENT ASSOCIATION DAY

Whereas, the Illinois Crop Improvement Association was formed on January 23, 1922, and celebrates its 75th anniversary this year; and

Whereas, the Illinois Crop Improvement Association has been integral in the promotion of Illinois agricultural interests, crop and seed improvement, dissemination of pedigreed seed throughout the state and propagation of the purity of adapted new varieties or strains produced by the plant breeder; and

Whereas, the Illinois Crop Improvement Association is currently served by Directors Thomas Ainsworth, Tom Burrus, Barbara Griffith, Nels Kasey, Larry Lewis, William Rice, Gerald Rottmann, Charles Simmons and James Sommer, as well as President Daryl Rolland, Vice President Gene Swartz, Secretary Lester Thorp, Treasurer David Bruch and Manager Dennis Thompson; and

Whereas, the Illinois Crop Improvement Association will hold its 75th Annual Meeting from June 10-11 1997, in Urbana;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 11, 1997, as ILLINOIS CROP IMPROVEMENT ASSOCIATION DAY in Illinois.

Issued by the Governor June 5, 1997.

Filed by the Secretary of State June 13, 1997.

97-343

DAIRY MONTH

Whereas, dairy products are one of the major health food groups; and

Whereas, dairy products are the most important source of calcium and also contribute significant amounts of protein and other essential nutrients in the American diet; and

Whereas, the dairy industry is continually innovating to provide consumers with new products and more varieties to meet increasing demand; and

Whereas, Illinois dairy farmers and other members of the dairy industry

are responsible for producing, processing and retailing these safe and nutritious products;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1997 as DAIRY MONTH in Illinois.

Issued by the Governor June 9, 1997.

Filed by the Secretary of State June 13, 1997.

97-344

GEORGE E. MADDEN DAY

Whereas, George E. Madden, of Plainfield, Illinois, has completed 50 years of service to the American Legion Premier Boys State of Illinois; and

Whereas, during service in World War II, George Madden was a prisoner of war who escaped captivity with the help of some German boys and in gratitude for their courage and assistance, he has devoted much of his life to the service of young people, most conspicuously by a half century of dedicated work on the staff of Illinois Boys State; and

Whereas, during his term as a staff member and officer of the Boys State Corporation, nearly 50,000 young men have received training in citizenship and public service;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 13, 1997, as GEORGE E. MADDEN DAY in Illinois, in recognition of his distinguished service to the youth of Illinois.

Issued by the Governor June 9, 1997.

Filed by the Secretary of State June 13, 1997.

97-345

HOFFMAN ESTATES HIGH SCHOOL BAND DAYS

Whereas, the Hoffman Estates High School Band from Hoffman Estates has been selected to represent the State of Illinois in the 1997 "American Musical Salute" in Washington, D.C., commemorating the 75th Anniversary of the Lincoln Memorial; and

Whereas, the band, under the direction of Robert Erickson, was selected on the basis of superior performance rating and recommendations from adjudicators, officials and peers; and

Whereas, this Musical Salute provides the opportunity for some of America's finest performing groups to pay tribute to one of the finest American presidents; and

Whereas, this honor recognizes the talent and commitment of this group and exemplifies the dedication of the students as well as their instructor to the field of music;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 13-17, 1997, as HOFFMAN ESTATES HIGH SCHOOL BAND DAYS in Illinois.

Issued by the Governor June 9, 1997.

Filed by the Secretary of State June 13, 1997.

97-346

INTERNATIONAL FESTIVAL OF LIFE DAYS

Whereas, the African/Caribbean International Festival of Life was founded by Ephraim M. Martin in 1993; and

Whereas, the purpose of the International Festival of Life is to bring together and unite descendants of all nationalities, races and ethnic groups; and

Whereas, the International Festival of Life is dedicated to the musical, cultural, educational and spiritual upliftment of people from around the world; and

Whereas, part of the proceeds from the International Festival of Life will go to Homelessness in America, Save the Children's Fund, Lou Rawls United Negro College Fund and other charitable organizations; and

Whereas, the International Festival of Life will be held July 4-6, 1997; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 4-6, 1997, as INTERNATIONAL FESTIVAL OF LIFE DAYS in Illinois.

Issued by the Governor June 9, 1997.

Filed by the Secretary of State June 13, 1997.

97-347

OSTRICH AWARENESS WEEK

Whereas, Illinois Chapter of the American Ostrich Association (ICAOA) is a non-profit organization founded in 1987; and

Whereas, the American Ostrich Association consists of approximately 3,000 members in the parent organization in Fort Worth, Texas, and raises an estimated 500,000 birds; and

Whereas, ICAOA includes more than 200 farmers and 10,000 ostriches and;

Whereas, the ICAOA has the third largest membership in the nation; and

Whereas, ICAOA will celebrate Ostrich Awareness Week; and

Whereas, the event will provide information about the status of the Illinois ostrich business, hatching and incubation, the status of the current breeder market and the unfolding of the commercialization of the Illinois raised ostrich; and

Whereas, the event will offer the public a chance to sample this high quality, low-fat red meat;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 13-19, 1997, as OSTRICH AWARENESS WEEK in Illinois.

Issued by the Governor June 9, 1997.

Filed by the Secretary of State June 13, 1997.

97-348

VICTOR BARCZYK DAY

Whereas, Victor Barczyk has been active in education for 50 years, teaching the Polish language, as well as promoting the Polish culture; and

Whereas, in 1947, Victor Barczyk worked with the Polish Government-in-Exile in London in the Ministry of Education, which was the start of his activities on behalf of Polonia; and

Whereas, in 1952, Victor Barczyk and his wife, Zofia, came to the United States where he continued his teaching activities, serving as a member of the Polish Teachers Association and Chairman of its education Advisory Board; and

Whereas, Mr. Barczyk established a number of Polish Language Saturday Schools in the Chicago area and served as director; and

Whereas, because of his dedication, Mr. Barczyk has been honored with the Gold Medal of Merit from the Polish Government-in-Exile, as well as the

Community Service Award here in the U.S.; and

Whereas, Mr. Barczyk promotes the culture and traditions of Poland among Americans through his work with CBS-TV to present materials about Polish culture and traditions to the American audience;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 14, 1997, as VICTOR BARCZYK DAY in Illinois.

Issued by the Governor June 9, 1997.

Filed by the Secretary of State June 13, 1997.

97-349

FLAG DAY

Whereas, by act of Congress of the United States, dated June 14, 1777, the first official flag of the United States was adopted; and

Whereas, by Act of Congress, dated August 3, 1949, June 14th of each year was designated National Flag Day; and

Whereas, Congress has requested the President to issue annually a proclamation designating the week in which June 14 occurs as National Flag Week; and

Whereas, the blue field of the flag is indicative of God's heaven under which it flies; and

Whereas, the stars of the flag are clustered together, unifying 50 states as one, for God and country; and

Whereas, the red stripes symbolize the blood spilled in defense of this glorious nation; and

Whereas, the white stripes signify the burning tears shed by Americans who lost their children in war; and

Whereas, the flag has flown through peace and war, strife and prosperity; and amidst it all, it has been respected; and

Whereas, Flag Day celebrates our nation's symbol of unity, a democracy in a republic, and stands for our country's devotion to freedom, to the rule of all, and to equal rights for all;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 14, 1997, as FLAG DAY in Illinois.

Issued by the Governor June 10, 1997.

Filed by the Secretary of State June 13, 1997.

97-350

POLISH MUSEUM OF AMERICA DAY

Whereas, the Polish Museum of America, dedicated in 1937, is the oldest ethnic museum in America; and

Whereas, the Museum Library, with its 60,000 volumes, ranks as one of the best Polish libraries outside of Poland; and

Whereas, the Annual Summer Ball is the Museum's only major fund-raising event and is being chaired this year by Ms. Cheryl Smoron; and

Whereas, the Museum contributes greatly to the Chicago community by promoting Polish history and culture as well as documenting and preserving Polish American history and culture; and

Whereas, the curator of the Polish Museum of America is Jan Lorys and the Chairman of the Board is Edward G. Dykja; and

Whereas, the Polish Museum of America's "Polish Spirit" award, annually

bestowed upon a member from the Polish American community who has made outstanding contributions toward the enhancement of ethnic pride, is being awarded this year to Superintendent of the Chicago Police Department, Matt Rodriguez;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 20, 1997, as POLISH MUSEUM OF AMERICA DAY in Illinois.

Issued by the Governor June 10, 1997.

Filed by the Secretary of State June 13, 1997.

97-351

SOUTH SIDE HELP CENTER DAY

Whereas, the South Side Help Center is a not-for-profit social service agency serving the south side of Chicago; and

Whereas, the South Side Help Center has benefited more than 72,000 youth and their families over the past decade; and

Whereas, the South Side Help Center is committed to preparing children, teens and young adults to make positive health and life choices by providing a plethora of free services that address specific, critical risks of inner-city youths; and

Whereas, the South Side Help Center has provided numerous programs such as substance abuse prevention, youth delinquency prevention, positive peer leadership training, career development training, HIV/AIDS education and risk prevention, pregnancy prevention education, teen parenting classes, mentoring, emergency food and clothing assistance; and

Whereas, the South Side Help Center will hold its annual fund-raiser on August 12, 1997, at the South Shore Cultural Center;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 12, 1997, as SOUTH SIDE HELP CENTER DAY in Illinois.

Issued by the Governor June 10, 1997.

Filed by the Secretary of State June 13, 1997.

97-352

STEVEN D. HILBERG DAY

Whereas, the Heart of Illinois Chapter of the Society of Government Meeting Professionals (SGMP) will hold a luncheon on June 24, 1997; and

Whereas, at the June 24 luncheon, Steven D. Hilberg will take office as the new National President of the Society of Government Meeting Professionals; and

Whereas, Steve Hilberg is Assistant State Climatologist and Extension Services Coordinator for the Illinois State Water Survey in Champaign; and

Whereas, he has served SGMP as National First Vice President, Educational Director for the 1996 and 1997 National Conferences as well as National Secretary in 1994 and 1995; and

Whereas, Steve was honored by his peers as National Planner of the Year in 1996; and

Whereas, he was Heart of Illinois Chapter President for two terms, Chapter Secretary and started the local chapter's newsletter;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 24, 1997, as STEVEN D. HILBERG DAY in Illinois in honor of Steve's many accomplishments.

Issued by the Governor June 10, 1997.

Filed by the Secretary of State June 13, 1997.

97-353

THOMAS NERI DAY

Whereas, Little City Foundation will honor Thomas Neri at the Director's Annual Dinner on June 17, 1997, at the Hyatt Regency Chicago; and

Whereas, Thomas Neri has given selflessly of his time and talent to the children and adults at Little City; and

Whereas, Thomas Neri is President and Publisher of Pioneer Press, an essential element in the life of the 48 communities served by Pioneer Press newspapers; and

Whereas, Little City Foundation and its programs have become dear to his heart, a relationship built on his personal belief in simple human dignity, a value that should be part of every individual's life; and

Whereas, the State of Illinois proudly salutes the efforts of the event's chairpersons and countless others whose time and dedication make this benefit possible;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 17, 1997, as THOMAS NERI DAY in Illinois.

Issued by the Governor June 10, 1997.

Filed by the Secretary of State June 13, 1997.

97-354

ILLINOIS VOLUNTEERISM DAY

Whereas, strong, vital caring communities are the foundation of our state's greatness; and

Whereas, communities must do all they can to ensure the quality of life offered to their citizens; and

Whereas, responsible government provides for the basic needs of citizens, such as schools to educate children, protection from crime and basic infrastructure needs; and

Whereas, many other factors also contribute to the success and prosperity of a community and its citizens; and

Whereas, government alone cannot bear the entire responsibility for these efforts; and

Whereas, volunteers, willing to identify obstacles and step forward with solutions, make the difference; and

Whereas, their selfless devotion to others makes life better for everyone in Illinois; and

Whereas, the Governor's Home Town Awards have been developed as a means of providing the recognition and rewards so richly deserved by Illinois' volunteers; and

Whereas, this evening, we again gather to thank the volunteers of Illinois for their ideas, their enthusiasm, their work, their caring spirits and their dedication to their communities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 12, 1997, as ILLINOIS VOLUNTEERISM DAY in Illinois in honor of the volunteers we celebrate tonight and the volunteers who will continue to contribute to their communities and fellow citizens in the future.

Issued by the Governor June 11, 1997.
Filed by the Secretary of State June 13, 1997.

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ISSUES INDEX

July 7, 1997

Rules acted upon during the quarter of April 1 through June 30, 1997 (Issues 17-28) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. The quarterly Sections Affected Index and Cumulative Index will be published in Issue 29 (July 15); Issue 42 (October 17); and Issue 3 (January 16, 1998). Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

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